

# **EXHIBIT 2**

1 UNITED STATES DISTRICT COURT  
2 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION  
3

4 \_\_\_\_\_ )  
CORY SPENCER, an individual; DIANA )  
5 MILENA REED, an individual; and )  
COASTAL PROTECTION RANGERS, INC., a )  
6 California non-profit public )  
benefit corporation, )

7 Plaintiffs, )

8 vs. )

Case No: 2:16-cv-  
02129-SJO (RAOx)

9 LUNADA BAY BOYS; THE INDIVIDUAL )  
10 MEMBERS OF THE LUNADA BAY BOYS, )  
including but not limited to SANG )  
11 LEE, BRANT BLAKEMAN, ALAN JOHNSTON )  
AKA JALIAN JOHNSTON, MICHAEL RAE )  
12 PAPAYANS, ANGELO FERRARA, FRANK )  
FERRARA, CHARLIE FERRARA, and N.F.; )  
13 CITY OF PALOS VERDES ESTATES; CHIEF )  
OF POLICE JEFF KEPLEY, in his )  
14 representative capacity; and DOES )  
1-10, )

15 Defendants. )  
16 \_\_\_\_\_ )

17  
18 DEPOSITION OF THE CITY OF PALOS VERDES ESTATES

19 THROUGH AND BY TONY BEST

20 IRVINE, CALIFORNIA

21 WEDNESDAY, JULY 12, 2017  
22

ATKINSON-BAKER, INC.

23 COURT REPORTERS

www.depo.com

24 (800)288-3376

REPORTED BY: GEHANE CASSIS. CSR No. 13020

25 FILE NO: AB06B06

Irvine, California, Wednesday, July 12, 2017

9:13 A.M.

- o0o -

TONY BEST,

having been administered an oath, was  
examined and testified as follows:

EXAMINATION

10	BY MR. FRANKLIN:	09:13
11	Q I'm Kurt Franklin. I'm one of the attorneys	09:13
12	for the Plaintiffs in this matter, Spencer, et al.	09:13
13	versus the City of Palos Verdes Estates and Lunada Bay	09:13
14	Boys, et al.	09:13
15	Today we've noticed what's known as a person	09:13
16	most knowledgeable deposition to the Defendant, City of	09:13
17	Palos Verdes Estates. And you're today, I understand,	09:13
18	by some e-mails for the Counsel for City here, you're	09:14
19	for certain topics identified in the deposition notice.	09:14
20	Is that your understanding?	09:14
21	A Yes.	09:14
22	Q And did -- were you provided the copy of the	09:14
23	deposition notice in advance of today?	09:14
24	A Yes.	09:14
25	Q And what topics to your knowledge are you here	09:14

1	to testify on behalf of the City?	09:14
2	MR. FIELD: I just heard someone being on and	09:14
3	off.	09:14
4	MR. COOPER: Robert Cooper.	09:14
5	MR. FRANKLIN: It's Robert Cooper on behalf of	09:14
6	Brant Blakeman.	09:14
7	BY MR. FRANKLIN:	09:14
8	Q And, I'm sorry, we were just talking about	09:14
9	you're here to testify on behalf of certain topics.	09:14
10	What topics are you here to testify on behalf of the	09:15
11	City?	09:15
12	A Topic Number 1.	09:15
13	Q And topic Number 1 is Beaches and Surfing	09:15
14	within Palos Verdes Estates with a number of bullets.	09:15
15	Is that your understanding?	09:15
16	A Yes.	09:15
17	Q And what other topics are you here testify to?	09:15
18	A Topic Number 3.	09:15
19	Q And City policing; is that correct?	09:15
20	A Yes.	09:15
21	Q And are there any other topics you're here to	09:15
22	testify on behalf of the City?	09:15
23	A And topic Number 4.	09:15
24	Q And that's City Nondiscrimination efforts,	09:15
25	with the number of bullets under that.	09:15

1	And I understood from communication with the	09:15
2	City's Counsel that -- is your testimony being limited	09:15
3	to City nondiscrimination efforts within the police	09:15
4	department?	09:15
5	A Yes.	09:15
6	Q Can you state and spell your full name for the	09:16
7	record?	09:16
8	A First name Tony, t-o-n-y, last name Best,	09:16
9	b-e-s-t.	09:16
10	Q And, Mr. Best, you are employed by the City of	09:16
11	Palos Verdes Estates; is that correct?	09:16
12	A Yes.	09:16
13	Q How long have you been employed by the City?	09:16
14	A For 21 and a half years.	09:16
15	Q Have you always been a -- you're a sworn	09:16
16	police officer; is that fair to say?	09:16
17	A Yes.	09:16
18	Q And what is your current position?	09:16
19	A I'm the Support Services Captain.	09:16
20	Q And what is Support Services Captain? I	09:16
21	understand that might be a supervisory role; is that	09:16
22	fair?	09:16
23	A Management.	09:16
24	Q Okay. And who do you oversee in the role of	09:16
25	supervisory captain?	09:16

1	A	So I oversee dispatch operations, operations	09:16
2		of the jail, the police department's budgets, animal	09:16
3		control and the detective bureau.	09:17
4	Q	Okay. Are there -- are there other captains	09:17
5		at Palos Verdes Estates?	09:17
6	A	Yes.	09:17
7	Q	And the other captains are?	09:17
8	A	We have one other Captain, Mark Valez, and he	09:17
9		oversees operations. So basically everything black and	09:17
10		white in the field.	09:17
11	Q	So black and white --	09:17
12	A	Patrol cars.	09:17
13	Q	Patrol cars. There may be some jargons I may	09:17
14		understand of some if, but if I don't, I'm going to ask	09:17
15		you to clarify.	09:17
16		Have you ever had your deposition taken	09:17
17		before?	09:17
18	A	Yes.	09:17
19	Q	How many times?	09:17
20	A	I would estimate, about three.	09:17
21	Q	Do you remember what those matters were about?	09:17
22		Were they in civil matters?	09:17
23	A	Yes.	09:17
24	Q	And what were those matters about; do you	09:17
25		recall?	09:17

1	A	Yes.	09:19
2	Q	Do you understand the difference between a	09:19
3		guess and an estimate?	09:19
4	A	Yes.	09:19
5	Q	Okay. What have you done to prepare today in	09:19
6		terms of testifying on behalf of the City on the topics	09:19
7		of Beaches and Surfing within Palos Verdes Estates?	09:19
8	A	I reviewed the field training manual as it	09:19
9		pertains to officer training when they initially join	09:19
10		the police department, and I also reviewed the Municipal	09:20
11		Codes related to beaches.	09:20
12	Q	Anything else?	09:20
13	A	No, not that I can think of.	09:20
14	Q	Did you speak with anybody in terms of trying	09:20
15		to gather some historical information related to the	09:20
16		topic of Beaches and Surfing within Palos Verdes	09:20
17		Estates?	09:20
18	A	Yeah, there was just conversations with Sheri	09:20
19		Repp-Loadman about specific technical terms in regards	09:20
20		to certain lots in the city that I needed clarification	09:20
21		on.	09:20
22	Q	And did you speak with anybody else?	09:20
23	A	I spoke with obviously --	09:20
24	Q	Yeah, other than your lawyer?	09:20
25	A	Not specifically. No.	09:20

1 Q Is it fair to say then you did not speak with 09:21  
2 any of the former police chiefs about that matter? 09:21  
3 A Correct. 09:21  
4 MR. FRANKLIN: And so just as a matter of 09:21  
5 housekeeping, I don't know if anybody here had the last 09:21  
6 exhibit number on that depo? 09:21  
7 MR. WARD: I did not. Sorry. 09:21  
8 BY MR. FRANKLIN: 09:21  
9 Q Why don't we call it 310. I think that -- and 09:21  
10 if we get clarification later, we can adjust. But I'm 09:21  
11 going to hand you an exhibit that I'm going to ask the 09:21  
12 court reporter to mark 310 in this matter. And this is 09:21  
13 simply Plaintiffs Amended Notice Of Deposition Of Person 09:21  
14 Most Knowledgeable for Defendant City of Palos Verdes 09:21  
15 Estates. And I see you brought one -- it may be the 09:22  
16 same, and I suspect it is, but as part of the 09:22  
17 housekeeping, you should use the official document to 09:22  
18 review. Because that's the one that's going to be part 09:22  
19 of the record. And if you can take a look at Exhibit 09:22  
20 310 and take your time. If that seems to be -- I'm 09:22  
21 going to represent it's what we served, but you should 09:22  
22 be comfortable with it. 09:22  
23 A Yes. 09:22  
24 (Exhibit 310 was marked for  
25 identification by the court reporter



1	and is attached hereto.)	
2	Q Does that appear to be the deposition notice	09:22
3	related to the person most knowledgeable that you're	09:22
4	here to testify on behalf of today?	09:22
5	A Yes.	09:22
6	Q And we talked about the topics of Beaches and	09:22
7	Surfing within Palos Verdes Estates.	09:22
8	On Page 3 of that line 10 that's the area that	09:22
9	you're going to testify on in terms of that topic?	09:22
10	A Yes.	09:22
11	Q And then we talked about City Policing. And	09:22
12	on Page 4 of the exhibit beginning with line 22, those	09:23
13	are the topics you're prepared to testify on today with	09:23
14	respect to City Policing?	09:23
15	A Yes.	09:23
16	Q And on Page 6 of Exhibit 310, on line 8, there	09:23
17	is City Nondiscrimination Efforts. And you're prepared	09:23
18	today to testify on behalf of the City with respect to	09:23
19	nondiscrimination efforts with respect to police	09:23
20	personnel; is that fair?	09:23
21	A Yes.	09:23
22	Q And in terms of your 21.5 years with the City,	09:23
23	it's all been with the City of Palos Verdes Estates?	09:23
24	A Yes.	09:23
25	Q Do you have a background in terms of your work	09:23

1	done with any other police departments?	09:23
2	A No.	09:23
3	Q And when you started with Palos Verdes	09:23
4	Estates, what was your first job with them? Did you	09:23
5	start right away as an officer or did you start as	09:24
6	something else?	09:24
7	A I started as a service officer.	09:24
8	Q And how long did you work as a service	09:24
9	officer?	09:24
10	A Approximately, one year.	09:24
11	Q And during your time as a service officer,	09:24
12	briefly what were your duties?	09:24
13	A Primarily, dispatch 911 and the jail.	09:24
14	Q And then during that time did you go to school	09:24
15	in terms to becoming a sworn officer, your post	09:24
16	accreditation?	09:24
17	A Yes.	09:24
18	Q And did you do that with the Long Beach Police	09:24
19	Department or a different police department?	09:24
20	A Orange County Sheriffs Department.	09:24
21	Q And did Palos Verdes Estates sponsor you when	09:24
22	you went through that program or did you do that on your	09:24
23	on?	09:24
24	A I was sponsored.	09:24
25	Q And then what -- to help me with the math,	09:25

1 did you work under Chief Tim Brown for some period? 09:26

2 A It was Johansen was his name. And when he 09:26

3 left then Tim Brown became the chief of police. 09:26

4 Q And how long did you work under Tim Brown; do 09:26

5 you know? 09:26

6 A 'Till he left. 09:26

7 Q 'Till he retired. Do you remember the 09:26

8 approximate dates or no? 09:26

9 A No, I'd have to look. I mean, it's easy to 09:26

10 find out. 09:26

11 Q During Chief Johansen's and Chief Brown's 09:26

12 tenure what was your position with the City? Were you a 09:27

13 patrol officer? 09:27

14 A So under Gary Johansen I was a patrol officer, 09:27

15 and under Tim Brown I became the motor officer, 09:27

16 primarily focused on traffic enforcement and that was in 09:27

17 October of 1998. 09:27

18 Q What are the differences of the duties of 09:27

19 those two, with patrol officer versus -- I think I have 09:27

20 a bit of an understanding -- with the motor officer 09:27

21 might be? 09:27

22 A So typical patrol officer handles radio calls, 09:27

23 crime calls, takes police reports for crimes. A motor 09:27

24 officer primarily focuses on traffic enforcement and 09:27

25 traffic safety. However, in our City we're so small, 09:27

1	we're like an LAPD or Orange County Sheriffs were the	09:27
2	motor officers would not respond to basic crime calls.	09:28
3	I was essentially a backup officer on all those crime	09:28
4	calls as well.	09:28
5	Q And then after Chief Brown, did you work under	09:28
6	Chief Daniel Dreiling?	09:28
7	A Yes, I did.	09:28
8	Q And what was your position under Chief	09:28
9	Dreiling?	09:28
10	A I was a k-9 officer for five years, then I	09:28
11	transitioned to field training officer, then the	09:28
12	professional standards sergeant and watch commander as a	09:28
13	sergeant.	09:28
14	Q Does -- in terms of a k-9 officer, is that a	09:28
15	position that the City still has?	09:28
16	A Yes.	09:28
17	Q And is there one k-9 officer or --	09:28
18	A There is one.	09:28
19	Q And then I assume that's -- is that like a	09:28
20	field officer, but you have the responsibility of having	09:29
21	a k-9 as well?	09:29
22	A Patrolman with a dog.	09:29
23	Q Okay. And then the field training officer,	09:29
24	that was more responsibility, you train new officer or	09:29
25	new officers? Can you tell me what the field training	09:29

1 coordinated through the special standards and training 09:32  
2 sergeant for an outside entity to perform the internal 09:32  
3 affairs investigation. Those are the basic function of 09:32  
4 that position. 09:32

5 Q So in terms -- sometime during Chief 09:32  
6 Dreiling's tenure, in addition to gaining more 09:32  
7 experience and responsibility as a officer, you were 09:32  
8 promoted to sergeant? 09:32

9 A Yes. 09:32

10 Q And were there any other positions that you 09:32  
11 held under Chief Dreiling? 09:32

12 A No. 09:32

13 Q And then after Chief Dreiling was it Chief 09:32  
14 John Everhard? 09:32

15 A Yes. 09:32

16 Q How long -- do you recall about when Chief 09:32  
17 Everhard worked as Chief? 09:33

18 A 2012 to 2013, roughly. I know it was 09:33  
19 approximately one year. 09:33

20 Q Okay. And he had a long tenure at Palos 09:33  
21 Verdes Estates before becoming Chief; is that fair? 09:33

22 A Yes, he started his career there. 09:33

23 Q And then after '13, in terms of under Chief 09:33  
24 Everhard during that one year were you still the 09:33  
25 professional standards sergeant or did you have a 09:33

1	different position?	09:33
2	A I got promoted to captain where I was in	09:33
3	charge of patrol operations, and that was in 2012	09:33
4	September 11, 2012.	09:33
5	Q And is that the position that Captain Valez	09:34
6	has now?	09:34
7	A Correct.	09:34
8	Q And then I assume around '13 or '14, the next	09:34
9	was an iterum chief; is that correct?	09:34
10	A After John M. Hard. Yes.	09:34
11	Q And was that Chief Hinig?	09:34
12	A Hinig.	09:34
13	Q H-i-n-i-g?	09:34
14	A Yes. Hinig.	09:34
15	Q And how long did Hinig work for the City to	09:34
16	the best of your --	09:34
17	A I believe he was there just about a year.	09:34
18	Q And Chief Hinig came from somewhere else. Do	09:34
19	you know where he came from?	09:34
20	A He was a retiree, so he came in as a 960 under	09:34
21	PERS. He came from the -- he did a couple iterum jobs.	09:34
22	He was a interim chief of La Habra PD. He was iterum	09:35
23	chief of I believe Sierra Madre. But he did the	09:35
24	majority of his time with Arcadia PD as a chief of	09:35
25	police.	09:35

1	Q	So Arcadia by Pasadena, he was the chief of	09:35
2		police?	09:35
3	A	Yes.	09:35
4	Q	There before he became -- he retired under	09:35
5		PERS and then made his services available for police	09:35
6		departments where he would work presumably -- sometimes	09:35
7		it might be more or less -- 960 hours. Is that a good	09:35
8		idea?	09:35
9	A	Depending on the calendar.	09:35
10	Q	And was he commuting during that time? Was he	09:35
11		working more than half time, in your estimate in terms	09:35
12		of your time with him?	09:35
13	A	No, he was -- he was there full.	09:35
14	Q	Full-time?	09:35
15	A	Yeah.	09:35
16	Q	And then after Chief Hinig, does that bring us	09:35
17		up to Chief Kepley?	09:36
18	A	It does.	09:36
19	Q	And then how long -- when did Chief Kepley	09:36
20		start?	09:36
21	A	I believe, 2013 or '14. '14. Maybe it's	09:36
22		2014.	09:36
23	Q	And if I have it right, are you currently	09:36
24		serving two roles; you're a captain and you're captain	09:36
25		an acting chief of police?	09:36

1	A	Effective July 1st, Captain Mark Valez and I	09:36
2		switched. So I was acting chief while Chief Kepley was	09:36
3		out on leave for 11 weeks. And July 1st, it was decided	09:36
4		that for the sake of fairness that Mark would have the	09:36
5		opportunity to be acting chief as well.	09:36
6	Q	Fairness goes both ways, I suppose.	09:37
7	A	Yes. So the City manager appointed him as	09:37
8		acting chief until Chief Kepley returns.	09:37
9	Q	So the current acting chief is Captain Mark	09:37
10		Valez as of July 1st, 2017?	09:37
11	A	Yes.	09:37
12	Q	And you were acting chief. And I think you	09:37
13		mentioned the day, but if you can tell me again from --	09:37
14		was it February?	09:37
15	A	I have it on the calendar. It was 11 weeks.	09:37
16	Q	Eleven weeks?	09:37
17	A	So 11 weeks back from July 1st.	09:37
18	Q	Okay. And was there -- in terms of moving to	09:37
19		the position of acting chief, is that something that the	09:37
20		city manager has the authority to do or does that go to	09:37
21		the board, do you know, or the City Council?	09:37
22	A	No, the city manager has the authority. He's	09:38
23		the appointed authority for the chief of police.	09:38
24	Q	And in terms of organizational structure at	09:38
25		Palos Verdes Estates, the chief of police is not a	09:38



1	direct report to the City Council; is that fair?	09:38
2	A Yes.	09:38
3	Q And so the chief of police reports directly to	09:38
4	the city manager in terms of an organizational flow	09:38
5	chart for Palos Verdes Estates?	09:38
6	A Yes.	09:38
7	Q And then in terms of within the -- I should	09:38
8	say too, I didn't go over this. If you need to take a	09:38
9	break, I see you drinking water.	09:38
10	A I'll leave. I'm not going to sit and suffer.	09:38
11	Q Just let me know. Okay.	09:38
12	In terms of organizational within the police	09:38
13	department, is it fair to say that the chief of police	09:39
14	has -- notwithstanding his reporting to the city	09:39
15	manager -- is the only sworn person, top sworn person,	09:39
16	for the city sworn officer for the city; is that fair?	09:39
17	Let me rephrase that.	09:39
18	Is it fair to say that the chief of police is	09:39
19	the top sworn officer for the City of Palos Verdes	09:39
20	Estates?	09:39
21	A Yes.	09:39
22	Q And then if it involves a policing decision,	09:39
23	it's his responsibility?	09:39
24	A Yes.	09:39
25	Q And then in terms of making police-related	09:39

1	decisions, a chief of police would not defer to the city	09:39
2	manager?	09:39
3	A No, the chief's responsibility is to make	09:39
4	those decisions. He may consult with the city manager	09:39
5	and the management team, but ultimately it's the chief's	09:39
6	decision.	09:40
7	Q And when you were -- when you're designated as	09:40
8	an acting chief, are you sworn differently? Is that a	09:40
9	memo or how did that work?	09:40
10	A No, there was no memo. There was an e-mail	09:40
11	sent out letting staff know that Chief Kepley is out on	09:40
12	leave and he's absent, and I'll be serving as acting	09:40
13	chief.	09:40
14	Q And Chief Kepley's leave as, I understand --	09:40
15	do you understand that's Labor Code 4850 leave right	09:40
16	now?	09:40
17	A I do not know if it's 4850. It's just leave.	09:40
18	Q Okay. You don't know whether it's a medical	09:40
19	leave or some other type of leave?	09:41
20	A Do not know.	09:41
21	Q And in terms of organizational structure	09:41
22	within the police department, if I have it right, there	09:41
23	are there -- there is the chief of police at the top,	09:41
24	two captains under the chief of police, and then how	09:41
25	many sergeants under the captains?	09:41

1 special detail that we needed a reserve to assist on, we 09:43  
2 would make the request through Sergeant Gunt, and he 09:43  
3 would reach out to the serve Corp. and see who is 09:43  
4 available. 09:43

5 Q And in terms of -- is the City of Palos Verdes 09:43  
6 Estates Police Department in terms of structure chain of 09:43  
7 command are people expected to follow a chain of command 09:43  
8 in terms of directions, whether it be the chief of 09:43  
9 police would have a chain of command over everybody and 09:43  
10 then downward? 09:43

11 A Right. So the way it works -- we're a 09:43  
12 military organization. So everyone has a direct 09:43  
13 supervisor and that's who they are to report to any 09:43  
14 issues or the direction coming down would come from a 09:43  
15 direct supervisor. 09:44

16 Q And in your 21 and a half years of working for 09:44  
17 the City has -- let me ask a different question. Do you 09:44  
18 have an understanding of the term that's been used in 09:44  
19 this lawsuit and sometimes in the media of "surf 09:44  
20 localism"? 09:44

21 A Yes. 09:44

22 Q And what's your understanding of surf 09:44  
23 localism? 09:44

24 A Surf localism is a phenomenon that takes place 09:44  
25 in most local or most surf locations. Hermosa Beach, 09:44

1	Granda Bay, San Pedro, in Hawaii, Oxnard, where people	09:45
2	who frequent that area may tend to believe that that	09:45
3	area is exclusive and only open to them. And they may	09:45
4	use certain acts to dissuade people from entering their	09:45
5	area or surf in their beach.	09:45
6	Q And during your 21 and a half years of working	09:45
7	for Palos Verdes Estates has the issue of localism	09:45
8	surfaced periodically?	09:45
9	A Yes.	09:45
10	Q And are there particular beaches within Palos	09:45
11	Verdes Estates where the issues has surfaced more	09:46
12	frequently than other beaches?	09:46
13	MR. GLOS: Object as vague as to frequent but,	09:46
14	you can answer.	09:46
15	A The reports that we have received and the	09:46
16	people I think talk about those is Lunada Bay,	09:46
17	obviously.	09:46
18	BY MR. FRANKLIN:	09:46
19	Q And to your understanding as you testify on	09:46
20	behalf of the City, what has the City done to address	09:46
21	the issue of surf localism at Lunada Bay?	09:46
22	MR. GLOS: In any particular time period? Do	09:46
23	you want to start from the beginning?	09:46
24	BY MR. FRANKLIN:	09:46
25	Q His 21 and a half years.	09:46

1	Verdes Estates, whether they receive memos from any of	09:56
2	the chiefs of police we've mentioned; whether they're	09:56
3	asked to watch videos; whether there have been, say,	09:56
4	experts come in and might have some knowledge about how	09:56
5	localism takes place? To your knowledge none of those	09:56
6	things have happened?	09:56
7	MR. GLOS: Again, I'll object. Calls for	09:56
8	narrative. Vague as to time and overbroad as to scope.	09:56
9	You can answer.	09:56
10	MR. FIELD: Could the Deponent speak up a	09:56
11	little bit.	09:56
12	A Sorry about that.	09:56
13	As far as specific training. Also in that	09:56
14	field training program we go over the -- F.T.O. goes	09:56
15	over specific Municipal Codes as it relates to beaches,	09:56
16	beach access, intimidation, safe surf riding. So those	09:57
17	are specific beach or surf-related elements of trade	09:57
18	that we do provide, but they apply to everywhere in the	09:57
19	city where there is a beach is not just Lunada Bay.	09:57
20	BY MR. FRANKLIN:	09:57
21	Q And just to hop outside the training. In	09:57
22	terms of that surfing riding ordinance, you testified on	09:57
23	behalf of the city, are you aware of anyone ever	09:57
24	receiving a warning or a citation or anything related to	09:57
25	that ordinance?	09:57

1	A	I do not.	09:57
2	Q	And we talked -- the original question was in	09:57
3		terms of the issue of localism; what is the city doing	09:57
4		about it. And you said trains local officers at least	09:57
5		the officers at the F.T.O. level. What else is the city	09:58
6		doing?	09:58
7	A	In the past we've had a boat and wave runners	09:58
8		that we've used to an attempt to get close to the waves	09:58
9		to observe those violations of the dropping in rule, as	09:58
10		I call it, the ordinance.	09:58
11	Q	When was the last time that the city had an	09:58
12		operational boat?	09:58
13	A	Three or four years ago. We ran into a lot of	09:58
14		challenges with that because of the kelp. So the kelp	09:58
15		prevents the boat from getting close to the shore or to	09:58
16		the break. And the same was true for the wave runners	09:58
17		when we would actually go out. And I've done it several	09:58
18		times.	09:59
19	Q	And did the city check where there is a kelp	09:59
20		cutter? Sometimes you could put in front of the prop;	09:59
21		do you know?	09:59
22	A	I do not know. We have lifeguard boats. And	09:59
23		I don't know -- we don't have them. Redondo Harbor	09:59
24		Patrol have them. I don't know if they have kelp	09:59
25		cutters.	09:59

1 trailhead or on the trail leading down on the beach. 10:25  
2 How many surfers were in the water to give indication 10:25  
3 of. If there is 30 surfers in the water, we know there 10:25  
4 is going to be more people in the area. Or if there is 10:25  
5 no surfers or if the surfs are really bad, sometimes 10:25  
6 people observe storms. So to get a general sense of the 10:25  
7 activity level and to put themselves in a position where 10:25  
8 if something did take place, they can report it. 10:25  
9 Q When did this -- you called it nature -- 10:25  
10 A The Nature Codes. 10:25  
11 Q The Nature Codes, when was that implemented? 10:25  
12 A I believe, over a year ago. 10:25  
13 Q So was that implemented under Chief Kepley's 10:26  
14 watch? 10:26  
15 A Yes, the Nature Codes. Yes. Prior to that, 10:26  
16 we also had a -- we created a surf related specific 10:26  
17 Nature Code for any incident where we took a report that 10:26  
18 involved surf-related activity or crimes or harassment 10:26  
19 or incident reports that didn't rise to the level of 10:26  
20 criminality, but just for the documentation purposes. 10:26  
21 And those could occur in any other beaches or any of the 10:26  
22 surf spots in the city. 10:26  
23 Q And back to the Nature Code, you mentioned 10:26  
24 that the officers would count the number of surfers in 10:26  
25 the water? 10:27

1	A	Yes.	10:27
2	Q	And those are put into a CAD system?	10:27
3	A	Yes, they call it on the radio. So a typical	10:27
4		call -- the area unit would call a surf check on the	10:27
5		Lunada Bay, enter the call in the Nature. The officer	10:27
6		would get out of the car, walk to the edge, he could	10:27
7		clear the call, get back in his car and say I'm 108,	10:27
8		which is I'm clear for calls. No surfers in the water.	10:27
9		No surfers on the bluff top.	10:27
10	Q	And would that be recorded by the dispatcher	10:27
11		then?	10:27
12	A	In the call notes.	10:27
13	Q	Okay. Had you in your preparation for today	10:27
14		had the occasion to review any of those Nature-related	10:27
15		call as to Lunada Bay?	10:28
16	A	I did not.	10:28
17	Q	Have you reviewed those ever before?	10:28
18	A	Those are produced in e-mail -- the patrol	10:28
19		log. So all the activity that took place in that day is	10:28
20		e-mailed to -- I know I get it, Mark Valez, the captain	10:28
21		gets it. And we'll scan it to look for things that are	10:28
22		kind of out of the ordinary or major crimes that	10:28
23		occurred that we've been kind of following. If	10:28
24		detectives find out if this is something that's going to	10:28
25		carry out the next day or a school incident.	10:28



1	Q	And in terms of your 21 and a half years	10:28
2		working for the city, do some of the beaches seem to	10:28
3		have more surfers in the water than others?	10:28
4	A	Yes.	10:29
5	Q	Which ones have the most?	10:29
6	A	Bluff Cove. It's a substantially larger beach	10:29
7		and easy access. And Rat Beach or Haggert's which is	10:29
8		the boarder of Torrance and PV Estates. And I think	10:29
9		it's because of the easy access.	10:29
10	Q	And how many if you had to estimate on what's	10:29
11		the most number of humans in the water you've seen in	10:29
12		those beaches?	10:29
13	A	Thirty to 40, maybe.	10:29
14	Q	And in terms of the CAD system, the officers	10:29
15		do headcounts now for the last year at the beaches, like	10:29
16		estimate there is 30 or 40 surfers in the water?	10:30
17	A	I think a headcount is pretty scientific.	10:30
18		This is kind of a general estimate.	10:30
19	Q	Yeah. So do they give an estimate of how many	10:30
20		people are in the water?	10:30
21	A	Yes.	10:30
22	Q	And in terms of Lunada Bay and the number of	10:30
23		the people in the water, is it ever fewer than Bluff	10:30
24		Cove?	10:30
25		MR. GLOS: Objection. Vague.	10:30

1	BY MR. FRANKLIN:	10:30
2	Q On an average surf day, does Lunada Bay have	10:30
3	fewer people in the water than the city's other beaches?	10:30
4	MR. GLOS: Objection. Lacks foundation. You	10:30
5	can answer.	10:30
6	A It's hard to answer. Because the surf is	10:30
7	different at each of the locations. The access is	10:31
8	different.	10:31
9	BY MR. FRANKLIN:	10:31
10	Q So I'm not asking why there might be a	10:31
11	different number of people. I'm just asking the actual	10:31
12	observation. There are fewer people using Lunada Bay in	10:31
13	the water than Bluff Cove. Is that a fair thing to say?	10:31
14	MR. GLOS: Objection. Vague lacks.	10:31
15	Foundation. You can answer.	10:31
16	A The simple answer is yes, but I mean there is	10:31
17	reasons for it. Again, the ease of access, the I think	10:31
18	the short -- I don't know what the correct terminology	10:31
19	is, but the way the wave breaks in Lunada Bay, from what	10:31
20	I understand, is a very difficult to surf. There is	10:32
21	rocks, it's dangerous.	10:32
22	BY MR. FRANKLIN:	10:32
23	Q So the question was --	10:32
24	A In Bluff Cove it's more of a -- from what I	10:32
25	understand -- a long break where they're really wide.	10:32

1	anybody in terms of what the capacity of Lunada Bay	10:35
2	could be in terms of number of surfers that might be	10:35
3	able to use it?	10:35
4	A I guess that would depend on what portion of	10:35
5	the bay you want to surf.	10:35
6	Q Let's talk about the point which is where the	10:35
7	fort used to be right in front of -- what would you call	10:35
8	that break? Do you have a phrase or word for that	10:35
9	particular break in front of the old rock?	10:35
10	A I would refer to it as like the northern area	10:36
11	of Lunada Bay.	10:36
12	Q And have you reached out to anybody in terms	10:36
13	of the number of people that might be able to surf that	10:36
14	break?	10:36
15	A No.	10:36
16	Q How about other -- other waves within Lunada	10:36
17	Bay, breaks within Lunada Bay, is there another break at	10:36
18	Lunada Bay that you could identify?	10:36
19	A The entire bay has a break; there's waves of	10:36
20	break there. Some people may feel more comfortable	10:36
21	surfing on the northern side based on their experience	10:36
22	level. Some people want to just stay in the middle or	10:36
23	all the way to the south end. I guess it's preference	10:36
24	on what you're looking for in your surf experience.	10:36
25	Q Can you estimate in your police experience and	10:36

1	in the water.	10:38
2	BY MR. FRANKLIN:	10:38
3	Q So how many days have you -- in 2016 how many	10:38
4	days did you observe 15 people in the water at Lunada	10:38
5	Bay?	10:38
6	A 2016, I don't work patrol so -- yeah, I don't	10:38
7	know how to answer that.	10:38
8	Q Okay. So the city is unable to answer that	10:38
9	question?	10:38
10	MR. GLOS: Well, you said "you" Counsel, and	10:38
11	you asked the question. You asked him personally, so	10:38
12	you need to distinguish your question on whether you're	10:38
13	asking the city or him as an individual.	10:39
14	MR. FRANKLIN: It's the City's deposition	10:39
15	today.	10:39
16	MR. GLOS: But you say, you did this or you	10:39
17	did that.	10:39
18	MR. FRANKLIN: Would any of your questions --	10:39
19	your answers change in terms of if -- what's the City's	10:39
20	best estimate in terms of the number of people that surf	10:39
21	Lunada Bay in a December day?	10:39
22	MR. GLOS: Objection. Overbroad. You can	10:39
23	answer.	10:39
24	A Again, a December day, it's hard to answer. I	10:39
25	think 15 is the number that I've answered before and I	10:39

1	BY MR. FRANKLIN:	10:42
2	Q Yeah, I'm just trying to figure, out at a	10:42
3	particular time if you go out and observe the main	10:42
4	point, the north point we talked about, how many surfers	10:42
5	would you see in the water on a typical day? And, you,	10:42
6	I'm referring to the City, your best estimate on behalf	10:42
7	of the City.	10:42
8	MR. GLOS: Objection. Asked and answered.	10:42
9	Lacks foundation. Calls for speculation. You can	10:42
10	answer.	10:42
11	A Again, I think it's difficult to answer that	10:42
12	question.	10:42
13	BY MR. FRANKLIN:	10:42
14	Q So I know it's difficult. Are you not able to	10:42
15	answer that question?	10:42
16	A So would a typical day be a good surf day or	10:42
17	would a typical day be --	10:42
18	Q I'm looking for averages.	10:42
19	A I'll give you a range of 5 to 15.	10:42
20	Q Okay. And would it be 5 more often than 15?	10:42
21	MR. GLOS: Same objections.	10:43
22	A Five to 15 is what I'd estimate.	10:43
23	BY MR. FRANKLIN:	10:43
24	Q So as the City today -- as you're testifying	10:43
25	on behalf of the City, you can't -- it's a range of 5 to	10:43

1	15 on a typical winter day; that's the City's answer as	10:43
2	to the question?	10:43
3	How many surfers would there be on a typical	10:43
4	winter day at any one time at Lunada Bay?	10:43
5	A Yeah.	10:43
6	MR. GLOS: Same objections.	10:43
7	BY MR. FRANKLIN:	10:43
8	Q Right?	10:43
9	A Five to 15 I think would be an estimate on an	10:43
10	average day.	10:43
11	Q And the City can't give any better estimate	10:43
12	than that right now?	10:43
13	MR. GLOS: Same objections.	10:43
14	A I think 5 to 15 again, as I answered before.	10:43
15	BY MR. FRANKLIN:	10:43
16	Q And but if you were able -- or if you'd	10:43
17	reviewed the logs prior to coming today, you might have	10:43
18	been able to give a better estimate?	10:43
19	A I don't know.	10:43
20	Q You don't know. And if those logs -- the	10:43
21	log -- the Nature call logs for 2016, are those sortable	10:44
22	by location?	10:44
23	A Yes.	10:44
24	Q And so you'd be able to sort Lunada Bay Nature	10:44
25	call logs? Is it Nature log? If you wanted to instruct	10:44

1 website. And I believe we also posted it on Next Door, 10:53  
2 which -- I don't know -- are you familiar with Next 10:53  
3 Door? 10:53

4 Q Yeah, it's an e-mail. Why don't you tell me 10:53  
5 what Next Door. 10:53

6 A Next Door kind of connects local communities 10:53  
7 so residents can talk about local issues in their 10:53  
8 community. And I think right now in our service areas 10:53  
9 the police department has an Next Door account to 10:53  
10 communicate things like crime tends. I think the last 10:53  
11 one I did was about unpermitted solicitors: Hey, watch 10:53  
12 out for these elements or these types of activities in 10:53  
13 the City. And I think we reached about 4500 residents 10:53  
14 who are signed up in our service area. 10:53

15 So community outreach to get the word out on 10:54  
16 what localism is, how to identify and encourage people 10:54  
17 to report it. 10:54

18 Q And in terms of the community outreach, do you 10:54  
19 know is there is a community outreach to areas to 10:54  
20 beachgoers who might not be from Palos Verdes Estates? 10:54

21 A Beachgoers -- well, anybody who is in the area 10:54  
22 we would contact them and provide them that information. 10:54  
23 So I imagine not everybody that goes to the beach in 10:54  
24 Palos Verdes Estates is from Palos Verdes Estates. But 10:54  
25 if you're asking if we go to Hermosa Beach or Redondo 10:54

1	Beach or Huntington Beach to pass those out, the answer	10:54
2	would be no.	10:54
3	MR. FRANKLIN: So I'm going to mark as Exhibit	10:54
4	311 is a type of flyer that is sent out to beach	10:55
5	communities about availability of -- this one says Los	10:55
6	Angeles Area Beaches, and the residence address is	10:55
7	redacted. But I'm going to represent that this is the	10:55
8	type of flyer that's sent out and I'm going to ask you	10:55
9	about it.	10:55
10	(Exhibit 311 was marked for	10:55
11	identification by the court reporter	10:55
12	and is attached hereto.)	10:55
13	Q And the question is a simple one: Are you	10:56
14	aware of the Palos Verdes Estates doing any direct mail	10:56
15	or outreach on its own as to its beaches or attempting	10:56
16	to purchase mailing lists so it could do a community	10:56
17	outreach?	10:56
18	A No.	10:56
19	Q Are you aware of Palos Verdes Estates doing an	10:56
20	electronic, whether it's a social media or otherwise	10:56
21	outreach to try to reach people from outside the	10:56
22	community?	10:56
23	A For what purpose?	10:56
24	Q To talk about the issues of localism and issue	10:56
25	with crimes. The same purpose that you were talking	10:56



1	about those cards you hand out, so it would be a broader	10:56
2	net to capture more people.	10:57
3	A No.	10:57
4	Q So how many cards would you estimate -- how	10:57
5	many cards would the City estimate it has handed out to	10:57
6	beachgoers?	10:57
7	A It's a good question. Lots of them. Cause	10:57
8	I'm the one that printed them. I create them, I print	10:57
9	them up. I would estimate over hundreds, if not a	10:57
10	thousand cards.	10:57
11	Q How many did you print? I guess that's an	10:57
12	easier view in terms of printing.	10:57
13	A Hundreds, thousands, and the officers go out	10:57
14	and hand them out.	10:57
15	Q Is it under the thousands, I guess? Was	10:57
16	there --	10:57
17	A Somewhere between 750 to a thousand.	10:57
18	Q So I assume there is a purchase order for	10:57
19	that; is that fair to say?	10:57
20	A No.	10:57
21	Q How were those cards printed?	10:57
22	A A printer.	10:58
23	Q So printed on a police department --	10:58
24	A It was a publisher document.	10:58
25	Q Okay. Did you purchase the cards stock with	10:58

1	City funds or did you already have that card stock?	10:58
2	A We already had it.	10:58
3	Q And in terms of printing it, you think you've	10:58
4	printed between 750 and a thousand?	10:58
5	A Yes.	10:58
6	Q And how were those distributed to the	10:58
7	officers?	10:58
8	A Through the Captain Valez who is the patrol	10:58
9	commander was given the cards initially to talk about	10:58
10	the program with the officers, tell them how they should	10:58
11	be distributed, and then they're available to the	10:58
12	officers at briefing.	10:58
13	Q And were the -- do you know did Captain	10:59
14	Valez -- are the cards in the patrol cars or what was	10:59
15	the mechanism? I know this isn't an evidence, but what	10:59
16	was the chain of custody? Does it go from you to	10:59
17	Captain Valez; is that fair?	10:59
18	A Yes. They eventually make their way to	10:59
19	sergeants and the sergeants distribute them to their	10:59
20	officers.	10:59
21	Q And was there a follow-up in terms of how many	10:59
22	had actually been distributed?	10:59
23	A They were not numbered. I believe captain	10:59
24	Valez now has started tracking how many officers respond	10:59
25	back and how many they've distributed, but I'm not	10:59

1	exactly sure of when he started doing that.	11:00
2	Q And is there -- as you sit here today and	11:00
3	testifying on behalf of the City, what's your best	11:00
4	estimate in terms of how many cards were actually	11:00
5	distributed to visitors to Lunada Bay?	11:00
6	A Visitors, that's a hard question to answer	11:00
7	because we don't obtain or demand identifications or	11:00
8	verify people's home of residence or city of residence	11:00
9	when they visit the City. So sometimes we pass about to	11:00
10	people that are from Lunada Bay or from Rancho or	11:00
11	Huntington or Long Beach or from all over the place.	11:00
12	Q In addition to the cards that were printed,	11:00
13	what else has the City done? These aren't flyers; these	11:01
14	are cards, you said?	11:01
15	A Yes. So they're printed out three-and-a-half	11:01
16	by 11 sheet and we just cut them; they're two-sided.	11:01
17	Q Okay. Is it regular card stock or is it just	11:01
18	paper?	11:01
19	A Both. If we ran out of card stock, we use	11:01
20	paper.	11:01
21	Q And is it color or black and white?	11:01
22	A It's color.	11:01
23	Q Can you describe it generally to me?	11:01
24	A On the front I put a -- in the middle it's	11:01
25	color of the Neptune Fountain. King Neptune is kind of	11:01

1	the center of the City. On the top it says: Welcome.	11:01
2	And on -- it says "Localism." And then there is a	11:01
3	surfboard, and it says "Welcome" down the length of the	11:01
4	surfboard. It talks about what localism is, how to	11:01
5	report it. It has our phone number, our e-mail address	11:02
6	of the police department, address. Just kind of	11:02
7	informational card to let people know what localism is	11:02
8	and how it should be reported.	11:02
9	Q Were the cards placed on windshield or were	11:02
10	they always instructed to hand out to people?	11:02
11	A Hand out to people.	11:02
12	Q And were they posted anywhere in the City?	11:02
13	Were they posted on telephone poles throughout the City,	11:02
14	or that type of thing if there are telephone poles?	11:02
15	A No, we didn't -- we wanted the kind of the	11:02
16	face-to-face conversation, not just post it throughout	11:02
17	the City on the telephone poles.	11:02
18	Q Were display boards used with the same	11:02
19	information?	11:02
20	A We have in one of the patrol cars a blue	11:02
21	message sign that scrolls, that we could tailor	11:03
22	messages. And we park that vehicle in Lunada Bay with a	11:03
23	blue scrolling message that something to the effect:	11:03
24	Report localism to the police department. And that	11:03
25	vehicle is parked out in Lunada Bay with the sign	11:03

1	running.	11:03
2	Q And how long was that vehicle parked at Lunada	11:03
3	Bay with the sign scrolling about Report localism?	11:03
4	A We would -- I don't know how many days it was	11:03
5	actually displayed out there. We'd have someone park it	11:03
6	out there. We would use it also as -- for traffic. So	11:03
7	it was out there for several days during the surf	11:03
8	season, and then we had other signage in the City. But	11:03
9	I can't give you the exact it was there for how long. I	11:03
10	just know it because I program the system.	11:03
11	Q And in terms of that message is that recorded	11:04
12	somewhere? Do you have notes of what you wrote down on	11:04
13	that?	11:04
14	A Yes.	11:04
15	Q Do you know if those have been turned over to	11:04
16	Mr. Glos?	11:04
17	A I believe we have the federal signals. We	11:04
18	have a sheet -- I mean -- so it has capability of -- you	11:04
19	could input a hundred-some messages in there and it	11:04
20	comes preset with 90 of them.	11:04
21	Q Have a good day, or something?	11:04
22	A Icy roads ahead, falling rock, although that	11:04
23	doesn't apply to us. And then custom made messages in	11:04
24	regards to texting, cell phone useful driving,	11:04
25	fireworks, schools in progress. Lock your car,	11:04

1	burglary. And we have that log of messages.	11:04
2	Q And in terms of using that device, are there	11:04
3	logs of where it's placed or how long it had been in	11:04
4	Lunada Bay?	11:05
5	A No.	11:05
6	Q How long was this -- how long has this been	11:05
7	used at Lunada Bay?	11:05
8	A I'd say, a year and a half, two years.	11:05
9	Q And how long has it been used at Lunada Bay to	11:05
10	address the issue of localism?	11:05
11	A Since we got the sign. About a year and a	11:05
12	half, two years ago.	11:05
13	Q What's your best estimate in terms of how	11:05
14	often it's been deployed at Lunada Bay on the localism	11:05
15	issue?	11:05
16	A I'd estimate, about ten times.	11:05
17	Q Ten times over a year and a half?	11:05
18	A Uh-huh.	11:05
19	Q Any other display boards that come to mind?	11:05
20	A Display boards, no.	11:05
21	Q Anything else that the City has done to	11:06
22	address the issue of localism that comes to mind?	11:06
23	A And this is -- sorry for jumping back, but	11:06
24	something popped in my head. Under Tim Brown, he -- I	11:06
25	believe it was under Tim Brown when he ordered the	11:06

1	patrol. The officers do throughout the City in driving	11:35
2	to Paseo Del Mar, which is the driveway that borders the	11:35
3	coastline.	11:35
4	Q Okay. And you've mentioned some of this was	11:35
5	newer, Native Code -- as Nature Code?	11:35
6	A Nature Code.	11:35
7	Q Excuse me. So the Nature Code, that was	11:35
8	something that's been placed about 18 months or so?	11:35
9	A Yes.	11:35
10	Q And we talked about the localism flyers that	11:35
11	you helped prepare, and there are about 750 to thousand	11:35
12	of them printed; is that right?	11:35
13	A Yes.	11:35
14	Q Those were distributed in-person to people not	11:35
15	put on cars and posted; is that right?	11:35
16	A Yes.	11:36
17	Q And the distribution wasn't limited to Lunada	11:36
18	Bay. It was citywide?	11:36
19	A Yes.	11:36
20	Q And then we talked about -- you mentioned what	11:36
21	you called the Dropping in Ordinance; is that right?	11:36
22	A Yes.	11:36
23	Q That was something under Chief Tim Brown's	11:36
24	watch?	11:36
25	A Yes.	11:36

1 Q Do you know, is that -- did that come out of a 11:36  
2 settlement in another lawsuit? 11:36  
3 A I'm not sure. 11:36  
4 Q And to your knowledge, no one has ever been 11:36  
5 charged for that Ordinance, violating that Ordinance? 11:36  
6 A I don't think we've issued any citation. 11:36  
7 Q Do you know, to your knowledge has there been 11:36  
8 any incident report issued related to that Ordinance? 11:36  
9 A Yes. 11:36  
10 Q About how many? 11:37  
11 A Recently, I know we have one. It has not 11:37  
12 already gone, but it's being prepared to go to the 11:37  
13 District Attorney's office in regards to similar 11:37  
14 activity. 11:37  
15 Q Was that something that happened at Lunada 11:37  
16 Bay? 11:37  
17 A Yes. 11:37  
18 Q When did that -- it sounds like it's something 11:37  
19 you're still working on. When did that incident take 11:37  
20 place? 11:37  
21 A I don't have the exact date. 11:37  
22 Q Do you know what month? 11:37  
23 A First quarter of the year. 11:37  
24 Q And is this being referred to the DAs office; 11:37  
25 does that mean it's something beyond a fine or citation? 11:38



1	A	Yes.	11:38
2	Q	Would there be the ability to issue a fine or	11:38
3		citation at lower level in terms of that type of citing	11:38
4		someone for violating municipal ordinance?	11:38
5	A	Yes, but this case is being referred -- the	11:38
6		activity was investigate; it resulted from an incident	11:38
7		that occurred while waver riding and obviously in the	11:38
8		Municipal Code the elements of that could apply to	11:38
9		elements of a crime defined in the Penal Code.	11:38
10	Q	Yeah --	11:39
11		MR. FIELD: Excuse me, this is Mark Field.	11:39
12		Would it be possible to move the phone closer to the	11:39
13		Deponent.	11:39
14		MR. FRANKLIN: Not much. I think we're at	11:39
15		about --	11:39
16	A	I'll try to speak up, I apologize.	11:39
17		MR. FIELD: Thank you.	11:39
18		MR. GLOS: Is that a little better?	11:39
19		MR. FIELD: I'll know when he starts speaking.	11:39
20		BY MR. FRANKLIN:	11:39
21	Q	On the terms of the tools in a sworn officer's	11:39
22		toolbag in terms of enforcing behavior, a citation would	11:39
23		be something lower than something that would be	11:39
24		issued -- I guess, what are the various tools that an	11:39
25		officer could use in terms of trying to stop behavior	11:39

1	Q	It doesn't always happen?	11:41
2	A	It doesn't always apply when you're driving.	11:41
3	Q	Okay. And then verbal warning, are there	11:41
4		multiple levels of verbal warning within that in terms	11:41
5		of an interaction with a civilian?	11:41
6	A	I don't believe there would be different	11:41
7		levels of a verbal warning.	11:41
8	Q	As applied to the surf riding ordinance, what	11:42
9		would a verbal warning be?	11:42
10	A	Educating someone about the ordinance,	11:42
11		advising them of consequences of future violations would	11:42
12		be one thing that comes to mind. Similar to a traffic	11:42
13		stop, if you got stopped for running a red light and the	11:42
14		officer uses his discretion, he can give you a verbal	11:42
15		warning; he could write you a written warning in some	11:42
16		Cities, or he could issue a citation.	11:42
17	Q	And as it comes to the surf riding ordinance	11:42
18		are you aware of there being verbal warnings issued?	11:42
19	A	I'm not.	11:42
20	Q	And in terms of the surf riding ordinance, is	11:43
21		it fair to say are you aware of there being citations	11:43
22		issue?	11:43
23	A	I'm not.	11:43
24	Q	And in terms of the surf riding ordinance, is	11:43
25		the recent referral to the DA's office, that was under	11:43

1 the surf riding ordinance? 11:43

2 A Yes, the surf riding ordinance, I believe, 11:43

3 would apply in this case. 11:43

4 Q Was that -- is it -- I assume -- let me ask 11:43

5 you the question: It could be the surf riding ordinance 11:43

6 is violated; it could be the Penal Code is violated; it 11:43

7 could be other things that are violated in. 11:43

8 In terms of what's being charged, does that 11:43

9 come from the police department or is that left to the 11:43

10 DA's office? 11:43

11 A Well, ultimately, what's being charged is with 11:43

12 the DA's office. What we do is we document the incident 11:43

13 and refer it to the District Attorney's Office. They 11:43

14 may choose to file lesser charges or choose to add 11:44

15 charges. 11:44

16 Q And if they chose not to file charges, would 11:44

17 the police department still have the ability to issue a 11:44

18 citation at that point or is it too late? 11:44

19 A If we file a case with the District Attorney's 11:44

20 Office and they reject the case, and we provide no 11:44

21 additional evidence or set of facts or everything stays 11:44

22 the same, it would be going to the same place. And I 11:44

23 assume the results would be the same. 11:44

24 Q So a citation -- I guess, if it was a written 11:44

25 warning -- I guess, let me ask you this: Your testimony 11:44

1	was you're not aware of a written warning ever been	11:45
2	issued related to the surf riding ordinance; is that	11:45
3	right?	11:45
4	A Yes.	11:45
5	Q Does the City issue written warnings for	11:45
6	violations of the Municipal Code, generally?	11:45
7	A Yes.	11:45
8	Q And if a written warning is issued for a	11:45
9	violation of the Municipal Code, does that have to go to	11:45
10	the DA's office?	11:45
11	A No.	11:45
12	Q And so that's up to -- there's no further	11:45
13	challenge on that and that could be documented and	11:45
14	conveyed to the member of the public who you were	11:45
15	concerned about engaging in that behavior, you being the	11:45
16	City or the officer?	11:45
17	MR. GLOS: Objection. Vague and ambiguous.	11:45
18	You can answer.	11:45
19	A So we -- we issue warnings. All officers	11:45
20	issue warning cites for Municipal Codes for Vehicle	11:46
21	Codes violations with the hope that that is kind of a	11:46
22	educational tool.	11:46
23	So they -- the violator or the person we're	11:46
24	dealing with understands the violation. And in some	11:46
25	cases the DA's office is required -- we don't have a	11:46

1	City prosecutor so all our cases go -- are handled	11:46
2	through DA's office. And so that there is notice of the	11:46
3	local ordinance. The DA's office usually -- they prefer	11:46
4	to have document of warning cites that the person has	11:46
5	knowledge of the ordinance 'cause we have them posted	11:46
6	all over the City.	11:46
7	BY MR. FRANKLIN:	11:46
8	Q So in terms of -- is a citation slightly more	11:46
9	than a written warning? Does that come with a fine?	11:47
10	A Yes.	11:47
11	Q And the same answer: You're not aware of a	11:47
12	citation being issued to anybody for violating the surf	11:47
13	riding ordinance?	11:47
14	A Correct.	11:47
15	Q And instead of going to the DA, could the	11:47
16	officer of the City decide to issue a citation which	11:47
17	would have been a monetary penalty?	11:47
18	A In surf riding cases, yes.	11:47
19	Q And what would the mechanism -- what is the	11:47
20	mechanism in terms of challenging it from -- is it	11:47
21	issued -- is it like a parking ticket where you have --	11:47
22	the person who's been cited with violating municipal	11:47
23	ordinance has the ability to pay the fine or challenge	11:47
24	it?	11:47
25	A Yes. So if somebody got a ticket for	11:47

1	attended, there were no major incidents, how many	12:20
2	parking cites were issued, how many arrests were made if	12:20
3	any, how many citations were issued. And that was the	12:20
4	first year we -- that event took place.	12:20
5	Q And in terms of undercover operations between	12:20
6	the one in '99 or 2000 and the one that was on Martin	12:20
7	Luther King in 2015, were there any other undercover	12:20
8	operations that you're aware of?	12:20
9	A No.	12:20
10	Q And then in terms of the one in '99 or 2000,	12:20
11	do you know who was in charge of that one?	12:20
12	A I do not.	12:20
13	Q And in terms of the one on MLK Day, the	12:20
14	officers you put down below, are those from people at	12:20
15	Palos Verdes Estates or were those reserve officer of	12:21
16	some other jurisdiction?	12:21
17	A They were a combination of our officers and	12:21
18	officers from other jurisdictions.	12:21
19	Q And in terms of -- city officers, I assume	12:21
20	that's what you mean by they are?	12:21
21	A Yes.	12:21
22	Q And in terms of city officers, were they	12:21
23	reserve officers or were they full-time officers?	12:21
24	A I believe, both.	12:21
25	Q And were the people down below on the	12:21

1	A	No.	01:38
2	Q	Okay. The City has a contracted City	01:38
3		attorney; is that right?	01:38
4	A	Yes.	01:38
5	Q	Is that Ms. Hoagen, Christie Hoagen?	01:38
6	A	Yes.	01:38
7	Q	Could the City attorney take that on herself	01:38
8		or her office in terms of following up in terms of a --	01:38
9		an infraction or something less -- a misdemeanor	01:38
10		prosecution of a matter; do you know?	01:38
11	A	I don't know what the scope of her contract	01:38
12		is. I know some cities have city prosecutors. We do	01:39
13		not. We rely on the District Attorney's Office.	01:39
14	Q	So to your understanding in the last 21 and a	01:39
15		half years, no contracted or otherwise City attorney has	01:39
16		been a City prosecutor?	01:39
17	A	Correct.	01:39
18		MR. FIELD: Can I ask the Deponent to try to	01:39
19		speak up a bit, please.	01:39
20	A	I'm sorry. Yeah.	01:39
21		BY MR. FRANKLIN:	01:39
22	Q	And you would -- you worked for Chief of	01:39
23		Police Tim Brown, that's right?	01:39
24	A	Yes.	01:39
25	Q	And if I showed you a photo or some video of	01:39

1	him, you'd be able to tell me of, yes, that's Tim Brown,	01:39
2	you think? It is or isn't? You'd recognize him?	01:39
3	A I hope so.	01:40
4	Q And then I'm going to -- I'm going to let you	01:40
5	hear it. I'm going to read it this it time 'cause I	01:40
6	think it will work better. That way so you understand	01:40
7	in sort of the same thing. I'll read it and then I'll	01:40
8	play it for you.	01:40
9	This also comes from the same documentary that	01:40
10	The Swell Life. And this is 13:44 to 14:39. Just under	01:40
11	a minute. The gist of Chief Brown's statements is this.	01:40
12	"In 1995, there were some incidents actually	01:40
13	provoked by outsiders who brought news crews with them	01:40
14	and had it planned, and then provoked incidents that	01:40
15	were actually captured on television news spots. People	01:40
16	here do not like outsiders in general. I mean, they pay	01:41
17	a price to live here. They have a beautiful views of	01:41
18	the ocean from most of the homes in the city, so they	01:41
19	are protective of their community as a whole, surfers or	01:41
20	nonsurfers."	01:41
21	So I'm going to show you this clip of Chief	01:41
22	Tim Brown. And with your Counsel's permission, I'm	01:41
23	going to go around. Are you okay so I can show this to	01:41
24	him?	01:42
25	MR. GLOS: Yes.	01:42



1	(Playing video).	01:42
2	MR. FRANKLIN: In terms of -- is that who you	01:44
3	know as Chief Tim Brown in that video?	01:44
4	MR. GLOS: Just objection as vague as to --	01:44
5	and ambiguous.	01:44
6	A That was Tim Brown.	01:44
7	BY MR. FRANKLIN:	01:44
8	Q And in preparing for today, is it fair to say	01:44
9	that you did not reach out to any of the former chiefs?	01:44
10	A Correct.	01:44
11	Q And in terms of the City's position right now,	01:44
12	would it be the same as Chief Brown when he was chief,	01:44
13	or has it changed over time with the different chiefs in	01:44
14	terms of being accepting of people being protective of	01:44
15	that beach?	01:45
16	MR. GLOS: Objection. Lacks foundation.	01:45
17	Presumes facts not in evidence. Calls for speculation.	01:45
18	It's vague and ambiguous. You can answer.	01:45
19	A The interview with Tim Brown, what year was	01:45
20	this?	01:45
21	BY MR. FRANKLIN:	01:45
22	Q The interview was sometime I believe when he	01:45
23	was chief still but --	01:45
24	A Okay. So I would have been a patrol officer	01:45
25	or a newly appointed motor officer out in the field,	01:45

1	receiving the directives from the chief on down to my	01:45
2	sergeant.	01:45
3	That sentiment, that language or those ideas	01:45
4	were not communicated to me as a patrol officer in the	01:45
5	field. From being an officer working my way up through	01:46
6	the ranks, working under several different chiefs, the	01:46
7	philosophy of law enforcement in the City has been to	01:46
8	apply the law equally throughout the City regardless of	01:46
9	who the subject is, whether they come from outside the	01:46
10	City or inside the City. I've never been asked or	01:46
11	directed to go easy on residents when I was the motor	01:46
12	officer writing tickets throughout the day or any other	01:46
13	enforcement activity or activities in the City.	01:46
14	Q To follow up on your comment about traffic	01:46
15	citations, do you know, are there any estimates	01:46
16	available in terms of how many traffic citations are	01:46
17	issued to residents versus nonresidents?	01:47
18	A We do not collect that specific data to parcel	01:47
19	out to residents/nonresidents. It's not part of our	01:47
20	monthly Stat. analysis.	01:47
21	Q Would that information be available if someone	01:47
22	wanted it?	01:47
23	A I guess so. Yes.	01:47
24	Q And if someone wanted --	01:47
25	A I was just trying to think how.	01:47

1 Q Yeah, that was my next question. If somebody 01:47  
2 wanted that information, what would be the process? 01:47  
3 A I guess, asking for it. It could be by 01:47  
4 physical citation going through each individual citation 01:48  
5 or running a CAD report for citations issued -- I guess 01:48  
6 comparing against the City of Palos Verdes Estates and 01:48  
7 other cities? 01:48  
8 Q And is that a heavy lift? Is that a hard 01:48  
9 thing to do in the CAD report? 01:48  
10 A It's hard for me to answer. I think someone 01:48  
11 from our technical expertise could be able to determine 01:48  
12 if it was something that's easily searchable. 01:48  
13 Q Has anybody ever asked you to gather that 01:48  
14 information? 01:48  
15 A No. 01:48  
16 Q And in terms of your responsibility as 01:48  
17 Captain, would that fall to you if such a request was 01:48  
18 made? 01:49  
19 A Eventually, yes. 01:49  
20 Q And do you have a sense in your 21 and a half 01:49  
21 years whether the traffic citations are issued evenly 01:49  
22 between residents and nonresidents for a percentage? Do 01:49  
23 you have any sense? 01:49  
24 A I do not. And I don't -- I guess in the same 01:49  
25 sense, I don't know what the percentage of motorist who 01:49

1	use Palos Verdes Estates as a path through or actually	01:49
2	their destination in our City.	01:49
3	Q So in terms of whether it's you personally or	01:49
4	on behalf of the City, you don't have an estimate right	01:49
5	now in terms of whether traffic citations are issued	01:49
6	evenly or in proportion in terms of residents versus	01:50
7	nonresidents?	01:50
8	MR. GLOS: Objection. Overbroad as to the	01:50
9	scope of time. You can answer.	01:50
10	A We don't collect the data for the purposes	01:50
11	of -- purpose of determining how many residents versus	01:50
12	nonresidents are stopped or cited, so I don't have that	01:50
13	data set readily available.	01:50
14	BY MR. FRANKLIN:	01:50
15	Q And in terms of that data set, if it's logged	01:50
16	into the CAD's system, would it -- would residency or at	01:50
17	least where their DMV license information is sent, would	01:50
18	that be in the CMD System?	01:50
19	A For traffic violations? Yes.	01:50
20	Q And then is the driver's license taken down	01:51
21	typically to traffic citation?	01:51
22	A Yes.	01:51
23	Q So do you have a full access to the	01:51
24	information that's on a driver's license?	01:51
25	A Yes, 'cause it's physically transferred from	01:51

1 the officer on the citation itself. 01:51

2 Q And I'm surprised at technology now. I had a 01:51  
3 building security in this case where they took my 01:51  
4 driver's license and it flashed everything up on their 01:51  
5 screen. 01:51

6 Did you have that capability electronically 01:51  
7 now? Do officers swipe the driver's license so they 01:51  
8 don't have to write everything down? Is it digital? 01:51

9 A Our department does not. 01:51

10 Q Okay. So for Palos Verdes Estates it's all 01:51  
11 manual writing information? 01:51

12 A Correct. 01:51

13 Q And the same question in terms of ticket with 01:51  
14 respect to persons of color, would there be any 01:52  
15 statistics on that? Would there be any statistics 01:52  
16 issued traffic violations more frequently than whites or 01:52  
17 Caucasians? 01:52

18 A Again, that data is collected at the time of 01:52  
19 the issuance of the citation, just like any data on that 01:52  
20 citation. How many Volvos or how many Toyotas. If a 01:52  
21 data is entered, there should be a way to recall that 01:52  
22 data based on certain search criteria. 01:52

23 Q Then I'm going to show you another video that 01:53  
24 recently came to us. This is -- I understand, Officer 01:53  
25 Aaron Belda interacting with a surfer on Martin Luther 01:53

1	King Day.	01:53
2	Part of my question of you is going to be to	01:53
3	identify, is that officer Aaron Balda?	01:53
4	MR. GLOS: Counsel, do you by any chance have	01:53
5	a Bates stamp number?	01:53
6	MR. FRANKLIN: That just came to us, so I do	01:53
7	not but it will be produced.	01:53
8	MR. GLOS: Do you have a date?	01:53
9	MR. FRANKLIN: It was 2017. It just happened.	01:53
10	I think it might have been a --	01:54
11	MR. OTTEN: How can we can get a computer on	01:54
12	that screen.	01:54
13	MR. FRANKLIN: I don't -- I don't know that it	01:54
14	would be a good use of our time.	01:54
15	So this is what I understand. I'm going to	01:54
16	read this for the reporter too and then I'll show it to	01:54
17	you. It's a pretty quick clip this time. It's shorter.	01:54
18	Reading: "I'm not a surfer so I don't	01:54
19	understand surf etiquette, and I don't even know what	01:54
20	dropping in is."	01:54
21	(Playing video).	01:55
22	BY MR. FRANKLIN:	01:55
23	Q Is that Aaron Belda?	01:55
24	A Yes.	01:55
25	Q And do you know -- were there complaints on	01:55

1	Martin Luther King Day from beachgoers about being drop	01:55
2	it dead-on or about being put in harm's way?	01:55
3	A I believe -- in 2017, I believe that's the	01:55
4	case where I was referring to.	01:55
5	Q So this is the prosecution that you were	01:56
6	referring to now?	01:56
7	A Yes.	01:56
8	Q And have you spoken with officer Belda about	01:56
9	his interaction with this particular person?	01:56
10	A No.	01:56
11	Q Have you seen this clip before?	01:56
12	A No.	01:56
13	Q And in terms of the training, would you -- has	01:56
14	officer Belda been provided any training in terms of the	01:56
15	dropping in ordinance or the surf riding ordinance?	01:56
16	A Yes.	01:56
17	Q And so does it surprise you that he says "I	01:56
18	don't know what dropping in is"?	01:56
19	MR. GLOS: Just object as it's incomplete	01:56
20	hypothetical. Calls for speculation. It's vague and	01:56
21	ambiguous. You can answer.	01:56
22	A Based on the short video clip and trying to	01:56
23	determine what Aaron Belda's intent was, I don't know.	01:56
24	Was it to elicit that individual to explain to him to	01:57
25	establish what dropping in or surf etiquette was.	01:57

1	BY MR. FRANKLIN:	01:57
2	Q So I I'll just tell you the background. As I	01:57
3	understand, this person came up wanting to make a	01:57
4	complaint, and Officer Belda was the first person that	01:57
5	he was able to make a complaint to. And this was	01:57
6	Officer Belda's response to it.	01:57
7	MR. GLOS: Objection. Same objections and	01:57
8	lacks foundation.	01:57
9	A Yeah, it's kind of difficult to answer your	01:57
10	question based on that short video clip and interaction.	01:57
11	BY MR. FRANKLIN:	01:57
12	Q Today as you sit here, do you see anything	01:57
13	wrong with having interacted on the short clip that you	01:57
14	have right now?	01:57
15	MR. GLOS: Again, objection. Incomplete	01:57
16	hypothetical. Lacks foundation. Calls for speculation.	01:57
17	You can answer.	01:57
18	A I think it's difficult to establish.	01:57
19	BY MR. FRANKLIN:	01:57
20	Q You can't say one way or another?	01:57
21	MR. GLOS: Same objections.	01:58
22	MR. FRANKLIN: You can have a standing	01:58
23	objection. I'm trying to figure out what his answer is	01:58
24	here.	01:58
25	A I don't know what Aaron Belda's intent was on	01:58



1	making that statement. Was it to elicit this individual	01:58
2	to tell him what dropping in meant or surf etiquette?	01:58
3	Did officer Belda clearly call and leave immediately	01:58
4	after this and did nothing, no documentation? Was there	01:58
5	other interviews conducted prior to the interview? So	01:58
6	it's kind of hard to summarize an incident with a --	01:58
7	BY MR. FRANKLIN:	01:58
8	Q So is it fair so say, a lot is left to the	01:58
9	discretion of the officer and his interaction with the	01:58
10	public?	01:58
11	MR. GLOS: Objection. Vague and ambiguous.	01:58
12	A I think in any case officers have discretion	01:59
13	on whether to issue those warning citations. I mean,	01:59
14	they have to talk to people who are involved to get a	01:59
15	sense of what took place so, yeah, they do have	01:59
16	discretion.	01:59
17	BY MR. FRANKLIN:	01:59
18	Q And in terms of discretion, have you ever	01:59
19	heard of officers trying to discourage complaints?	01:59
20	A No.	01:59
21	Q And in terms of -- is the City aware of	01:59
22	officers attempting to discourage complaints?	01:59
23	A If someone -- if an officer or a report comes	02:00
24	in and someone has discouraged a complaint, we	02:00
25	usually -- again depending on what the situation is,	02:00

1 can identify that officer for me? 02:09

2 MR. GLOS: Can you identify the timeframe of 02:09

3 this video or -- 02:09

4 MR. FRANKLIN: Why don't we go off the record 02:09

5 real quick and I bet we can. 02:09

6 MR. GLOS: Sure. 02:09

7 (Recess taken.) 02:09

8 BY MR. FRANKLIN: 02:13

9 Q So I'm going to with your counsel's permission 02:13

10 spin back around to show you this. The news clip, it's 02:13

11 CBS This Morning: 02:13

12 Reading: "Surfer gang tries to block visitors 02:13

13 so that gives us confirmation that it was done after the 02:13

14 lawsuit was filed." 02:14

15 And I think if you'll have the whole access 02:14

16 eventually; I'm not going to go that far, but I think 02:14

17 this is the one with Charlie Rose. 02:14

18 (Playing video). 02:14

19 MR. GLOS: What's the timestamp that you're 02:14

20 starting on? 02:14

21 MR. FRANKLIN: 2:47. 02:14

22 MR. FRANKLIN: Can you recognize that officer? 02:15

23 A Can you -- 02:15

24 (Replaying video). 02:15

25 ///

1	BY MR. FRANKLIN:	02:15
2	Q Do you know who that officer is?	02:15
3	A Sergeant Luke Hellinga.	02:15
4	Q And is that -- in terms of field training down	02:15
5	at Lunada Bay, where you'd advise someone to bring cell	02:15
6	phones down there for their safety?	02:15
7	MR. GLOS: Objection. Lacks foundation. You	02:15
8	can answer.	02:15
9	A That's one of the things we suggest. And the	02:15
10	short video doesn't show, but I'd be interested to learn	02:15
11	did Sergeant Luke Hellinga talk about localism with the	02:15
12	film crew? Did he -- or was that their only	02:15
13	interaction. Cause it looks spiced.	02:16
14	BY MR. FRANKLIN:	02:16
15	Q Well, it's a production. And so we have what	02:16
16	they've produced. And in terms of -- your Counsel will	02:16
17	be provided the production. I believe it's been made	02:16
18	available already.	02:16
19	So my question is again: We've had other	02:16
20	people say -- in fact, Diana Milena Reed, the Plaintiff	02:16
21	in this case, had said that if she made a complaint,	02:16
22	that the officers that interacted with her said you	02:16
23	should bring a cell phone down there, we can't be down	02:16
24	there all the time. It sounded very similar -- is it	02:16
25	officer --	02:16

1	Q	And then the -- next what I'd like do is play	02:18
2		for you an interview that Chief Kepley did with KPPC	02:18
3		Radio. Have you listened to that interview?	02:18
4	A	I think when it was initially broadcast,	02:18
5		pieces of it, but I don't think I've sat and listened to	02:19
6		the -- since then.	02:19
7	Q	And in terms of that interview as we talked	02:19
8		about before, this would have been Chief of police, so	02:19
9		this would have been the position of the City Police	02:19
10		Department?	02:19
11		MR. GLOS: Objection. Lacks foundation. You	02:19
12		can answer.	02:19
13	A	I'd have to hear the -- even if I go up and	02:19
14		scream something crazy in the lobby here, I don't think	02:19
15		that's necessarily the position of the police	02:19
16		department.	02:19
17		BY MR. FRANKLIN:	02:19
18	Q	So I'm going to represent -- we'll go through	02:19
19		it. This is the chief of police being interviewed	02:19
20		specifically by a reporter about the issue of localism.	02:19
21	A	Okay.	02:19
22	Q	And so it's not him doing that crazy in the	02:19
23		lobby --	02:19
24	A	Okay.	02:19
25	Q	So with is that context. If the chief was	02:19

1 asked specifics about localism and made himself 02:20  
2 available to speak to reporters about the issue of 02:20  
3 localism in his position of chief of police, that would 02:20  
4 have been the position of the police department at that 02:20  
5 time because he's the organizational head? 02:20  
6 MR. GLOS: Lacks foundation. Incomplete 02:20  
7 hypothetical. You can answer. 02:20  
8 A I would assume so. 02:20  
9 BY MR. FRANKLIN: 02:20  
10 Q And then you -- I'm going to play it for you. 02:20  
11 You'd be able to recognize the chief's voice; do you 02:20  
12 think? 02:20  
13 A I hope so. 02:20  
14 MR. GLOS: Again, Counsel do you by chance 02:20  
15 have a date? 02:20  
16 MR. FRANKLIN: This is done in 2015. I do not 02:20  
17 have a date on that; although I think that it's 02:20  
18 referenced in some of your internal documents. 02:20  
19 MR. GLOS: And again has it been produced? 02:20  
20 MR. FRANKLIN: Again, this is a public 02:20  
21 document. And so if things come to us, we will produce 02:20  
22 it, but presumably since this is a City interview, that 02:21  
23 they would have availability to it. So this isn't 02:21  
24 generated by any of the Plaintiffs. 02:21  
25 MR. GLOS: I'm just asking if you've produced 02:21

1	it.	02:21
2	MR. OTTEN: I think you guys produced written	02:21
3	documents related -- maybe even a transcript, but I	02:21
4	don't know about a video, I have not seen a transcript.	02:21
5	MR. GLOS: It's audio?	02:21
6	MR. OTTEN: Yeah, it's audio.	02:21
7	BY MR. FRANKLIN:	02:21
8	Q So I do have the time on this. Again, this	02:21
9	can be a longer one, but I'm going to pair it back.	02:21
10	This reporter interviews a few different people. That's	02:21
11	the -- lead of the story is interview of the Chief of	02:21
12	Police of Palos Verdes Estates addressing the issue of	02:21
13	localism.	02:21
14	The part that I'm going to have you listen to	02:21
15	is 2:57 through 7:40. This is five minutes. So he's	02:21
16	interviewed for five of the 12 minutes of this radio	02:22
17	show.	02:22
18	And I think I got this, but I'm going to ask	02:22
19	you again: In your preparation today you had not	02:22
20	listened to this audio or an audio of the chief's	02:22
21	interview; that's fair to say?	02:23
22	A Correct. There is nothing to see on this.	02:23
23	I'm going to see if you can hear it.	02:23
24	(Playing video.)	02:23
25	"REPORTER: This is your jurisdiction, is it	02:23

1	not?"	02:23
2	CHIEF OF POLICE: Yes. How are you?"	02:23
3	BY MR. FRANKLIN:	02:23
4	Q I'm going to stop it there. Does that sound	02:23
5	like the Chief to you?	02:23
6	BY MR. FRANKLIN:	02:23
7	Q In terms of incidents of localism reported to	02:23
8	the police department from 2011 to 2015 or so, in your	02:24
9	memory does it sound like just four were reported? Is	02:24
10	that an accurate --	02:24
11	A Based on what Chief Kepley --	02:24
12	Q No, your own?	02:24
13	A Oh. It's hard for me -- what time period he	02:24
14	was referencing? From the time he got there or --	02:24
15	Q We can go back and listen to it.	02:24
16	A And that would be -- that would be data that	02:24
17	could be recalled through the CAD system as well.	02:24
18	(Playing video).	02:24
19	"REPORTER: Let's go to the Police Chief	02:24
20	of Palos Verdes Estates, Jeff Kepley, who	02:24
21	joins us on the line now.	02:24
22	And this is your jurisdiction decision, is	02:24
23	it not?	02:24
24	CHIEF KEPLEY: Yes, it is, Mr. --	02:24
25	(Inaudible.) how are you?	02:25

1	How are you?	02:25
2	I'm well. Thank you.	02:25
3	What are you doing about it?	02:25
4	CHIEF KEPLEY: Well, we -- we actually are	02:25
5	addressing this. And I want to put this	02:25
6	in -- in sort of context here.	02:25
7	In Palos Verdes Estates, you know, we --	02:25
8	we have heard about this occurring. This	02:25
9	is not something new to us. But it's also	02:25
10	important to know that in the last four	02:25
11	years, only four of these instances have	02:25
12	you have been reported to our police	02:25
13	department; however, nevertheless, now	02:25
14	what we're doing in response to this is we	02:25
15	are increasing our police patrol by	02:25
16	officers. We are (Inaudible) patrol there	02:25
17	on the coastline. We have conducted	02:25
18	surveillance operations in the past,	02:25
19	including putting undercover police	02:25
20	officers out on boards. And in the near	02:25
21	future we'll be placing some display	02:25
22	boards and posting some flyers on the	02:25
23	cars, just in an effort to increase our	02:25
24	public outreach to those from out of the	02:25
25	area who may be exposed to intimidation or	02:25



1	some of these things you've heard about.	02:25
2	THE REPORTER: So you're saying it's less	02:25
3	than a problem than it once was?	02:25
4	CHIEF KEPLEY: It's hard for me to say,	02:25
5	Mr. Staltz. I've been with this	02:25
6	organization for one year, and I'm looking	02:25
7	at this information with perspective. I	02:25
8	know that there is information that's been	02:25
9	presented, and it's a huge problem. I do	02:25
10	believe it's an issue to our community.	02:25
11	Quite frankly, it's embarrassing to our	02:25
12	community. And for this to be talked	02:25
13	about is embarrassing, but let's just	02:25
14	stick to the facts, we are addressing	02:25
15	that.	02:25
16	THE REPORTER: I just can't help but	02:25
17	wondering if it's a declining problem	02:25
18	because people know not to go there.	02:25
19	They're going to get beat up so they'd be	02:25
20	afraid to go.	02:25
21	CHIEF KEPLEY: That may be the case and	02:25
22	unfortunately the audio you played, it may	02:25
23	give others the impression that the police	02:25
24	department (Inaudible.)	02:25
25	THE REPORTER: Let's get to the facts.	02:25

1	How many people have you arrested?	02:25
2	In the last three years we have arrested	02:25
3	three people. (Inaudible audio.)	02:25
4	BY MR. FRANKLIN:	02:30
5	Q So we verified at least at the beginning of	02:30
6	the recording, it sounds from your working with the	02:30
7	Chief, does that sound like the Chief?	02:30
8	A Yes.	02:30
9	Q Do you have any reason to think that it's not	02:30
10	the Chief?	02:30
11	A No.	02:30
12	Q Have you talked to the Chief about this audio	02:30
13	at all?	02:30
14	A No.	02:30
15	Q Do you know has there been a transcript	02:30
16	provided in terms of what his directions were related to	02:30
17	his outreach on this particular interview?	02:30
18	A What --	02:30
19	Q Has -- did the Chief report on his interview	02:30
20	to the other management -- the rest of the management?	02:30
21	A Report back about this interview?	02:30
22	Q Yes.	02:30
23	A Not formally, but some of the elements that he	02:30
24	talked about were kind of outlined in our efforts that	02:31
25	was communicated.	02:31

1	Q	When he said words to the effect: It localism	02:31
2		less than a problem than it used to be, and he said	02:31
3		"it's hard to say. I've only be here one year."	02:31
4		In terms of your experience at Palos Verdes	02:31
5		Estates and testifying on behalf of the City, is it less	02:31
6		than a problem today than it was, say, five years ago?	02:31
7		MR. GLOS: Objection. Vague lacks.	02:31
8		Foundation. You can answer.	02:31
9	A	Is it more of more or less of a problem?	02:31
10		BY MR. FRANKLIN:	02:31
11	Q	Yes.	02:31
12	A	Obviously, there is more attention. We are	02:31
13		documenting our efforts differently instead of doing	02:32
14		this surf check on our own; we now require the officers	02:32
15		to document it. The localism cards and everything else	02:32
16		that we outlined for the past five years and prior to,	02:32
17		we continue to do.	02:32
18		When I was a patrolman in '98, '99, there were	02:32
19		I think more incidents of vandalism in just south of the	02:32
20		1300 block of Paseo Del Mar.	02:32
21	Q	What type of vandalism?	02:32
22	A	Vehicle damaging, there was rocks, occasional	02:32
23		surf wax on a win shield. Nothing that rose to the	02:32
24		level of permanent damage. But those were isolated to	02:33
25		the Indicator area just south of 1300 block of Paseo Del	02:33

1 Mar, which is north of Lunada Bay. 02:33

2 In Lunada Bay I don't recall a spike or 02:33

3 decrease or increase in incidents reported. Our 02:33

4 activity levels have increased with increased attention 02:33

5 from media. So our officers would drive out, and there 02:33

6 would be a Channel 4 News van in Lunada Bay. Years ago, 02:33

7 that wouldn't be the case. 02:33

---

8 Q Let me ask you, when the reporter posed to 02:33

9 Chief Kepley: Do you think you're getting everything 02:33

10 reported to you? And he -- he responded: "I do not." 02:34

11 In your position in testifying on behalf of 02:34

12 the City, do you think you're getting everything 02:34

13 reported to you, you being the City, with respect to 02:34

14 localism issues at Lunada Bay? 02:34

15 MR. GLOS: Objection as to scope of time. You 02:34

16 can answer. 02:34

17 A I don't think the police department or the 02:34

18 City is getting every incident that occurs throughout 02:34

19 the City reported to us. That's why we encourage people 02:34

20 to report localism to the police department. We have 02:34

21 the outreach to encourage people, let them know that 02:34

22 they have an avenue to report it. 02:34

23 BY MR. FRANKLIN: 02:34

24 Q And in terms of -- so is it fair to say with 02:34

25 the issue of localism, you agree with the Chief, you 02:35

1	don't think everything is being reported?	02:35
2	MR. GLOS: Objection as to scope of time. You	02:35
3	can answer.	02:35
4	A I'm sure there is some instances where people	02:35
5	do not report issues for whatever reason if they're --	02:35
6	yes.	02:35
7	BY MR. FRANKLIN:	02:35
8	Q And in terms of the efforts to get people to	02:35
9	report, that includes the 750 or the thousand flyers	02:35
10	that were printed out. What's the other outreach that	02:35
11	you're aware of?	02:35
12	A The message board on the back of the vehicle.	02:35
13	Q So the message board that was put out ten	02:35
14	times within the last 18 months?	02:35
15	A Having officers in the area, both directed and	02:35
16	nondirected patrols for extra patrol in the area.	02:35
17	Q Can you explain to me how having officers in	02:36
18	the areas get people to report?	02:36
19	A I think somebody who is a victim of a crime or	02:36
20	harassment would be more inclined to report it to an	02:36
21	officer that was there than to call 911 or try to find	02:36
22	the police department's number to report it.	02:36
23	Q So in terms of some of the -- as an example,	02:36
24	using officer -- or Sergeant Hellinga's interaction with	02:36
25	the man on Martin Luther King Day, I've heard Chief	02:36

1 in the police department that surf Lunada Bay. I doubt 02:38

2 any of them are habit surfers. 02:38

3 BY MR. FRANKLIN: 02:38

4 Q And then we've touched on the fact that the 02:38

5 City hasn't provided any training on the surfer 02:38

6 etiquette expert or otherwise formally. 02:38

7 A Yeah, we have not brought in a surf expert to 02:38

8 come talk about surf etiquette or dropping in. Correct. 02:38

9 Q And in terms of -- has there been a training 02:39

10 in terms of this is how we would prosecute a surf riding 02:39

11 ordinance? Is there a plan in place? 02:39

12 A Could you rephrase the question? 02:39

13 Q Is there -- to your knowledge is there any 02:39

14 plan in place in terms of training if enforcing the surf 02:39

15 riding ordinance was important to the City, has there 02:39

16 been any plan or training to teach officers: This is 02:39

17 how we're going to prosecute the surf riding ordinance? 02:39

18 A I think the ordinance talks about doing 02:39

19 something -- kayaking, surfing -- I think it comes to 02:39

20 boogie boarding in any manner with regard for the safety 02:39

21 of others. I think that would apply to other 02:39

22 activities, like driving with regard to the safety of 02:40

23 others. 02:40

24 Again, it's a -- it's a challenging ordinance 02:40

25 to enforce. It's not like a stop sign violation where 02:40

1 you witness a violation, you pull the person over. If 02:40  
2 we have an officer up at the top of the 200-foot cliff 02:40  
3 and he's looking 500, 700 yards out to the ocean, where 02:40  
4 10, 15 to 20 surfers are, six of them all paddling the 02:40  
5 same wave, identifying one who lost his balance or 02:40  
6 yelled to the other one, I'm up, you're down, I got it. 02:40  
7 It's yours, take it. I got it. 02:40  
8 It's pretty challenging. And if you do 02:41  
9 identify the person who -- 02:41  
10 Q So has there been discussion -- I guess my 02:41  
11 question was training. 02:41  
12 A And I'm just -- 02:41  
13 Q I'm trying to understand if actual training 02:41  
14 took place. And it sounds like you've been commenting 02:41  
15 on the ordinance; you've said it's difficult to enforce. 02:41  
16 If an ordinance is difficult to enforce, might it 02:41  
17 require more training? 02:41  
18 A Well, more training I don't think will 02:41  
19 eliminate all those elements that I was explaining. So 02:41  
20 if you identify the person or you can see a violation 02:41  
21 the challenge then is -- it's not as simple as a stop 02:41  
22 sign and you're trying to pull a vehicle over as 02:41  
23 recalling the surfer out of the water, to make 02:41  
24 the distinction. 02:41  
25 Q So back to the question which is training, it 02:41

1 doesn't sound like there's been any training as specific 02:41  
2 to that ordinance? 02:41  
3 MR. GLOS: Objection. Lacks foundation. 02:42  
4 Misstates prior testimony. You can answer. 02:42  
5 A We have -- we do receive training. We have a 02:42  
6 two-year program on the local ordinances. The officers 02:42  
7 are aware of the difficulties. But again more training 02:42  
8 would not eliminate the kind of the challenges that that 02:42  
9 ordinance presents over like a stop sign or -- 02:42  
10 BY MR. FRANKLIN: 02:42  
11 Q So in your 21 and a half years of working for 02:42  
12 the Palos Verdes Estates Police Department how much time 02:42  
13 do you think you've spent training to learn -- formal 02:42  
14 training to learn about surf etiquette and ways to 02:42  
15 enforce that ordinance? 02:42  
16 MR. GLOS: I'll just object. The ordinance 02:42  
17 hasn't been around for 21 and a half years. You can 02:42  
18 answer. 02:42  
19 A It's hard to say. We don't -- we don't put on 02:42  
20 a formal eight-hour class on one ordinance. It's just 02:43  
21 like we don't put a formal eight-hour class on the 02:43  
22 ordinance on leash law violations or any of the 02:43  
23 Municipal Codes. So it's hard to say how much time is 02:43  
24 dedicated; how much time is spent talking about it or 02:43  
25 discussing the issue. It's hard. 02:43



1	BY MR. FRANKLIN:	02:43
2	Q What's your best estimate?	02:43
3	A It's hard to estimate.	02:43
4	Q So as today as you testify you're unable to	02:43
5	estimate how much time you've spent training to learn	02:43
6	about the surfing riding ordinance?	02:43
7	A Training to learn about it, discussing the	02:43
8	topic of it, I mean, it's hard to estimate.	02:43
9	Q You're not able?	02:43
10	A It would be a guess.	02:43
11	Q Okay. You think it was more than a few hours?	02:43
12	A Yes, most likely more than a few hours.	02:44
13	Q Less than five hours?	02:44
14	A I'm not -- I can -- couldn't guess.	02:44
15	Q And that would be the same for -- you think --	02:44
16	you've been designated as the person most knowledgeable	02:44
17	about these ordinances. Is it fair to say you have more	02:44
18	interest in this than some other officers? Would you be	02:44
19	at high end of the continuum of people that have focused	02:44
20	on the surf riding ordinance?	02:44
21	A Sure.	02:44
22	Q When Chief Kepley said words to the effect he	02:44
23	agreed that the local surfers have a gang mentality. In	02:44
24	your position as the person most knowledgeable	02:45
25	designated for supervision of the beach related	02:45

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3	A It's hard to estimate.	02:43
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15	Q And that would be the same for -- you think --	02:44
16	you've been designated as the person most knowledgeable	02:44
17	about these ordinances. Is it fair to say you have more	02:44
18	interest in this than some other officers? Would you be	02:44
19	at high end of the continuum of people that have focused	02:44
20	on the surf riding ordinance?	02:44
21	A Sure.	02:44
22	Q When Chief Kepley said words to the effect he	02:44
23	agreed that the local surfers have a gang mentality. In	02:44
24	your position as the person most knowledgeable	02:45
25	designated for supervision of the beach related	02:45

1	ordinances and beaches, would you agree that the local	02:45
2	surfers have a gang mentality?	02:45
3	MR. GLOS: Objection. Vague as to time.	02:45
4	Lacks foundation. You can answer.	02:45
5	A I think when a group of people get together	02:45
6	and start -- sure. Just like -- I mean -- we're dealing	02:45
7	with an issue right now of bicyclists in the City, and	02:45
8	there is a group called "Big Orange Bicycle Group" that	02:45
9	some in the City are calling them a gang, and they act	02:46
10	like gang members, and they're -- they operate under a	02:46
11	gang mentality. So loosely defining some of the	02:46
12	behavior of individuals down there or when they act	02:46
13	together, then sure.	02:46
14	BY MR. FRANKLIN:	02:46
15	Q And when he said -- he generally agreed that	02:46
16	the local surfers attempt to discourage others from	02:46
17	using the beach, would you agree to that?	02:46
18	MR. GLOS: Objection. Lacks foundation.	02:46
19	Vague and ambiguous. You can answer.	02:46
20	A Sure.	02:46
21	BY MR. FRANKLIN:	02:46
22	Q And then when he said the local surfers tend	02:46
23	to be territorial, you agree with that?	02:46
24	A I think -- sure. In --	02:46
25	Q Lunada Bay specifically.	02:47

1	A	I would say, surfers in general, and Lunada	02:47
2		Bay being a general surf location, surfers are	02:47
3		territorial.	02:47
4	Q	And in terms of Lunada Bay specifically, would	02:47
5		you agree with the statement he made that they tend to	02:47
6		be territorial?	02:47
7	A	Sure.	02:47
8	Q	And then in terms of local surfers tend to	02:47
9		intimidate others using the beach, you agree with that	02:47
10		statement?	02:47
11	A	Sure.	02:47
12	Q	Who is the -- to your knowledge -- the sworn	02:47
13		officer that has the most knowledge about who are the	02:47
14		local surfers that use Lunada Bay?	02:48
15		Do you have the most knowledge on that or are	02:48
16		there others that know these people better than you?	02:48
17	A	I have -- I would say I have a pretty good --	02:48
18		just from reading reports that we have, from talking to	02:48
19		people in the community, I have a good understanding of	02:48
20		who they are. And maybe others. Like anything in the	02:48
21		department, I'm not the expert on everything.	02:48
22	Q	Are there others that have -- let me ask you	02:48
23		this question: Are there some in the department that	02:49
24		socialize with people that surf down there regularly?	02:49
25		MR. GLOS: Objection. Vague.	02:49

1	So I guess if you told me that Sergeant Barber	02:50
2	knows surfers in the area, I don't think that's in and	02:50
3	of itself alarming.	02:51
4	Q So in terms of -- do you know of a person	02:51
5	named Charlie Mowat?	02:51
6	A I've heard the name.	02:51
7	Q Do you have an understanding of Charlie Mowat	02:51
8	being a regular surfer down at Lunada Bay?	02:51
9	A I've heard the name associated with Lunada	02:51
10	Bay. I couldn't tell you if I have witnessed him surf	02:51
11	out there, but I've heard the name and the association.	02:51
12	Q In your preparation for today as the person	02:51
13	most knowledgeable, did you speak with Sergeant Barber	02:51
14	about his familiarity with some of the people that surf	02:51
15	down in Lunada Bay?	02:51
16	A No.	02:51
17	Q And would it be fair to say that you didn't	02:51
18	know that he was doing barbecues and other day events	02:51
19	with Charlie Mowat and some of the others at Lunada Bay?	02:51
20	MR. GLOS: Objection. Vague as to time.	02:52
21	A Can you repeat?	02:52
22	BY MR. FRANKLIN:	02:52
23	Q Did you know that he was close enough where he	02:52
24	was going to barbecues at Charlie Moat's house and being	02:52
25	invited over at other days events and that type of	02:52

1	thing?	02:52
2	MR. GLOS: Object. Vague as to time. Lacks	02:52
3	foundation. You can answer.	02:52
4	A No.	02:52
5	BY MR. FRANKLIN:	02:52
6	Q Did you have an understanding that in terms of	02:52
7	an illegal structure at Lunada Bay that the roof was	02:52
8	Charlie Moat's garage door?	02:52
9	A No.	02:52
10	Q Did you have an understand -- are you familiar	02:52
11	with a person named Sang Lee?	02:52
12	MR. OTTEN: We got a --	02:52
13	BY MR. FRANKLIN:	02:52
14	Q Are you familiar with a person named Sang Lee?	02:52
15	A No.	02:52
16	Q So you wouldn't know that Sang Lee was a	02:52
17	person who surfed regularly at Lunada Bay?	02:52
18	A No.	02:53
19	Q Who are some of the people that you would	02:53
20	identify in your position as being designated as the	02:53
21	person most knowledgeable for the City in this	02:53
22	deposition that are regulars at Lunada Bay?	02:53
23	A Brant Blakeman, Bill Kamberly, Alan Johnston,	02:53
24	the Papayans have some associations there. Ferraras.	02:53
25	Those are the individuals off the top of my head that I	02:53

1	can think of.	02:54
2	Q And in terms of Mr. Blakeman, I'm going -- you	02:54
3	did not know that Brant Blakeman, his Facebook friends	02:54
4	are close enough with the Blakeman family and Blakeman's	02:54
5	wife?	02:54
6	A Brant Blakeman --	02:54
7	Q Excuse me. Friends with -- excuse me. That	02:54
8	Sergeant Barber was friends with Brant Blakeman's	02:54
9	family?	02:54
10	A No.	02:54
11	Q And in terms of Sergeant Barber, did you	02:54
12	recall that Sergeant Barber was the person deployed to	02:54
13	obtain video evidence related to an allegation that	02:54
14	happened to Diana Milena Reed on February 13th, 2016	02:54
15	involving Alan Johnston and Brant Blakeman, did you	02:55
16	understand that Sergeant Barber was person sent out to	02:55
17	get that video evidence?	02:55
18	A I know he was the detective sergeant. I don't	02:55
19	know if he did it or one of his detectives.	02:55
20	Q And in terms of -- did you review that report	02:55
21	to determine how much effort Sergeant Barber made to	02:55
22	obtain that video evidence?	02:55
23	A I can't recall the effort level being detailed	02:55
24	in the report, if that's what you're asking.	02:55
25	Q Yeah, I'm going to represent that he asked him	02:55

1	A	Based on the facts of the case and after	03:03
2		being -- all the reports are approved by a sergeant.	03:03
3		The watch commander or a corporate who is a watch	03:03
4		commander. Based on the facts of those cases, the	03:03
5		approving watch commander will determine if it's a crime	03:03
6		report or an incident report.	03:03
7	Q	And in terms of I think you mentioned that	03:04
8		Sergeant Barber, he was the sergeant in charge of that	03:04
9		particular event with Diana Milena Reed?	03:04
10		MR. GLOS: Objection. Vague. Which incident?	03:04
11		Can you just be more specific?	03:04
12		MR. FRANKLIN: It's February 13th, 2016.	03:04
13		MR. GLOS: Thank you.	03:04
14	A	Yes.	03:04
15	BY MR. FRANKLIN:		03:04
16	Q	And then do you have some understanding in	03:04
17		terms of there had been a undercover operation set for	03:04
18		that same day?	03:04
19	A	Yes.	03:04
20	Q	And what is your understanding of that	03:04
21		undercover operation that was set for February 13th,	03:04
22		2016?	03:05
23	A	My understanding of it was through a	03:05
24		coordination with the detective bureau and Captain Mark	03:05
25		Valez and the chief, they planned an undercover	03:05



1	operation with outside resources from another	03:05
2	department. And I didn't know when that was to take	03:05
3	place, what time. It was kind of -- information wasn't	03:05
4	distributed about it. And I learned about its canceling	03:05
5	when the chief called me and he -- he was -- he said the	03:05
6	operation at Lunada Bay is canceled and he was not	03:05
7	happy. And I was going to -- okay. I wasn't part of	03:06
8	the planning or execution of this, so I don't know if he	03:06
9	was trying to get a hold of Mark, but he told me it was	03:06
10	canceled I said okay. That's the extent of the	03:06
11	information I had on that operation.	03:06
12	Q In terms of your preparation for today, did	03:06
13	you do any research in terms of testifying on behalf of	03:06
14	the City on that undercover operation?	03:06
15	A No.	03:06
16	Q And has the report that was prepared on that	03:06
17	undercover operation by Norman A. Trobin Association,	03:06
18	has that been made available to you?	03:06
19	A No.	03:06
20	Q What information do you have about was there a	03:06
21	reason why that was canceled?	03:06
22	A It was an officer safety issue with -- somehow	03:07
23	the information -- someone had called the chief and	03:07
24	asked him about an operation that was planned for Lunada	03:07
25	Bay. The chief took that information, and from my	03:07

1 understanding, felt that there was an officer safety 03:07  
2 issue. That someone commented on an operation in Lunada 03:07  
3 Bay and there was one in the works, so he felt it was 03:07  
4 best to cancel it. 03:07

5 Q And in terms of officer's safety, is that 03:07  
6 because they're worried about harm to officers down at 03:07  
7 Lunada Bay related to the issue of localism? 03:07

8 A I think it would be in any operation where 03:07  
9 you're trying to, I guess, get pure unaltered data or 03:07  
10 responses from people when you -- if the information is 03:08  
11 leaked, that could be leaked to other sources or other 03:08  
12 people, and just for the overall integrity of the 03:08  
13 investigation and the operation and for the, I guess, 03:08  
14 respect of time of -- of the other agency who was 03:08  
15 offering up officers. 03:08

16 Q And in terms of -- do you understand that this 03:08  
17 leaked information or statement was made to the chief of 03:08  
18 police, or do you understand it was made to the City 03:08  
19 manager or do you have no idea? 03:08

20 A My recollection, it was to the chief. 03:08

21 Q Okay. And if it had been made to the City 03:08  
22 manager, you wouldn't know about that? 03:09

23 A No. 03:09

24 Q Do you know a person named Mike Thiel? 03:09

25 A I do not know him. No. 03:09

1	Q	Have you heard of that name being associated	03:09
2		with someone who frequents Lunada Bay?	03:09
3	A	Yes.	03:09
4	Q	What do you know about Mr. Thiel?	03:09
5	A	That he's associated with Lunada Bay.	03:09
6	Q	Anything else other than him being associated	03:09
7		Lunada Bay?	03:09
8	A	I don't. Sorry.	03:09
9	Q	And do you know, was there any follow-up in	03:09
10		terms of the day that Diana Milena Reed was harassed	03:09
11		down there is the same day someone said there better not	03:09
12		be an undercover operations down there?	03:09
13		MR. COOPER: Objection. Assumes facts not in	03:10
14		evidence. Argumentative.	03:10
15		MR. FRANKLIN: Let me finish the question I'm	03:10
16		happy to ask the question if you just let me finish it	03:10
17		before you object.	03:10
18		MR. COOPER: I apologize. I thought you had	03:10
19		finished. Very eager.	03:10
20		BY MR. FRANKLIN:	03:10
21	Q	The question is: Has there been any	03:10
22		investigation or has it come to your attention today as	03:10
23		someone in management that the first time -- the very	03:10
24		first day that Diana Milena Reed was harassed on	03:10
25		February 13th is also the day that was the planned	03:10

1 undercover operation? 03:10

2 MR. COOPER: Objection. Assumes facts not in 03:10

3 evidence. Argumentative and harassing. The video for 03:10

4 that speaks for itself. Again Robert Cooper for -- 03:10

5 A So the question: Was there an 03:11

6 investigation -- 03:11

7 BY MR. FRANKLIN: 03:11

8 Q Was that taken into consideration in terms of 03:11

9 Diana Milena Reed investigation, the day she's harassed 03:11

10 is also the day set for the undercover operation? 03:11

11 MR. COOPER: Same objection. 03:11

12 MR. GLOS: And I'll just object as vague. 03:11

13 Taking into consideration the investigation which one or 03:11

14 both? 03:11

15 MR. FRANKLIN: Both. Did you know that before 03:11

16 today -- did you know before today -- did you know the 03:11

17 day she had her interaction with Mr. Blakeman and 03:11

18 Mr. Johnston down at the Rockfort structure is the very 03:11

19 day that was set for the undercover operation? 03:11

20 A No. 03:11

21 Q And if the undercover operation was canceled, 03:11

22 would that -- there would be no extra people deployed 03:12

23 down to the area at that time, or how would that 03:12

24 normally work? 03:12

25 A If there was no undercover operation planned, 03:12

1	we would operate where the patrol officer patrols the	03:12
2	area, periodically do surf checks. I don't know if VIP	03:12
3	or park land were on duty at that time. There wouldn't	03:12
4	be anything to suggest that we should deploy extra	03:12
5	people.	03:12
6	Q And then before today, were you aware that --	03:12
7	I'm going to make this representation -- Defendant	03:12
8	Blakeman had a cell phone issued to him by the City of	03:12
9	Palos Verdes Estates; he was using it in communicating	03:13
10	with various surfers down at Lunada Bay. Did you know	03:13
11	that before today?	03:13
12	MR. COOPER: Objection. Assumes facts not in	03:13
13	evidence.	03:13
14	MR. GLOS: Join. Lacks foundation. You can	03:13
15	answer.	03:13
16	A There is a lot wrapped up in there. When he	03:13
17	was issued the phone; he communicated the surfers with	03:13
18	Lunada Bay.	03:13
19	He was not issued the phone. Are you familiar	03:13
20	with the DDP Program?	03:13
21	BY MR. FRANKLIN:	03:13
22	Q Tell me about the DDP.	03:13
23	A Disaster District Program. Each of the school	03:13
24	sites in our City has a storage container. It contains	03:13
25	a cash of emergency supplies and equipment. In the	03:13

1 event there is an emergency in the City, a natural 03:13  
2 disaster, we have disaster service workers and 03:13  
3 volunteers who report to those containers. There is a 03:13  
4 container lead. Inside of those containers are not 03:13  
5 supplies for the residents, but they're supplies for the 03:14  
6 service workers to go out and do assessments on -- I was 03:14  
7 going to say bridges, but the one bridge we have in the 03:14  
8 City -- landslides, gas lines, general assessment. And 03:14  
9 they can report back to the police department and to the 03:14  
10 emergency operation center. The container lead has a 03:14  
11 go-bag issued to them. In that go-bag there is a cell 03:14  
12 phone, and that's the City cell phone that I believe 03:14  
13 you're referring to. That particular continuer lead was 03:14  
14 Sandy Durko who lived in Lunada Bay. And he -- from 03:14  
15 what I understand -- went out of state and handed the 03:14  
16 go-bag to Brant Blakeman who is a volunteer and part of 03:14  
17 the duty program to assist in the event of emergency in 03:14  
18 the City. 03:15  
19 I did -- I'm also in charge of the budget of 03:15  
20 the police department. I pay the bills. Periodically, 03:15  
21 I do audits and certain processes we have and one of 03:15  
22 them was cell phones. I looked -- I call them disaster 03:15  
23 phones -- that there was activity on it. I contacted 03:15  
24 Marcelle McCaullin, who is the emergency services 03:15  
25 coordinator and community relations officer for the City 03:15

1	to get a roaster of the phones. And through short	03:15
2	investigation found out that the phone with the activity	03:15
3	was in possession of Brant Blakeman.	03:15
4	BY MR. FRANKLIN:	03:15
5	Q And when did you learn about that?	03:15
6	A I have to check it would be easy to find out	03:15
7	because it's when we took possession of the phone.	03:16
8	Q Was that at the beginning of this year 2017?	03:16
9	A I would say so yes.	03:16
10	Q Did you speak to Sandy Durko to follow up with	03:16
11	him in terms of when the phone was last in his	03:16
12	possession?	03:16
13	A No.	03:16
14	Q And did you have an understanding that the	03:16
15	phone had been in Mr. Blakeman's possession for almost a	03:16
16	full year at least prior to that time?	03:16
17	A I believe I found out that information through	03:16
18	Marcel McCaullin through the DDP Program. And we also	03:16
19	kind of established we really didn't have a policy that	03:16
20	they sign for phones and say it's not to be used for any	03:16
21	purposes other than a natural disaster or activation.	03:16
22	Q There is no policy like that or there is?	03:17
23	A There was not.	03:17
24	Q Okay.	03:17
25	A So we recalled the phone. We asked Brant	03:17

1	Blakeman for the phone. He gave us the phone and we	03:17
2	preserved that in the state that we received it in.	03:17
3	Q And Mr. Blakeman in his deposition referred to	03:17
4	it as being a CERT Program. Is that the same thing?	03:17
5	A CERT is the Community Response Team and DDP	03:17
6	being the perform -- they perform similar functions.	03:17
7	CERT is a type of training that people receive. Most of	03:17
8	our DDP members are part of CERT.	03:17
9	We have some engineers, structural engineers,	03:17
10	some doctors, people who have very specific skill sets	03:17
11	that are on DDP to help the community. And we believe	03:18
12	when the big one hits California, that PV Estates is	03:18
13	going to be isolated from water and from services	03:18
14	because most of the services are going to be drawn to	03:18
15	the larger population centers of Los Angeles in the	03:18
16	greater area.	03:18
17	Q So Mr. Blakeman, I'm going to represent,	03:18
18	testified during his testimony that he's a	03:18
19	transportation technician. He's a mover.	03:18
20	Is that someone whose skill set is needed for	03:18
21	the DDP Program?	03:18
22	A You know I don't necessarily think -- I don't	03:18
23	-- we don't have certain skill sets that we require.	03:18
24	Some are bonuses. Obviously, structural engineer is to	03:18
25	have on your cadre of volunteers is very good. A lot of	03:18



1	the -- the activities that the DDP and the disaster	03:18
2	district workers perform is observing report. So they	03:19
3	go out in the community in teams and report back.	03:19
4	So as far as volunteer go, I would take any	03:19
5	hard-working volunteer.	03:19
6	Q So in terms of -- back to the phone, you	03:19
7	didn't understand that Mr. Blakeman had possession of	03:19
8	the phone until sometime early in 2017?	03:19
9	A Correct.	03:19
10	Q And is it fair to say that policy or no	03:19
11	policy, the City really didn't anticipate private	03:19
12	citizens would be using the City's cell phone for	03:19
13	personal or other uses?	03:19
14	A Correct.	03:19
15	Q And is Captain Valez, he's the one the phone	03:19
16	bill goes to him?	03:19
17	A The phone bill is in his name, but he used to	03:19
18	be in charge of the budget. And if it's his Verizon or	03:19
19	Frontier or any of the utilities, they all come to me to	03:20
20	pay.	03:20
21	Q And in terms of until the beginning of this	03:20
22	year, you just had notice that there had been extra	03:20
23	calls or charges related to that phone?	03:20
24	A Correct.	03:20
25	Q How many -- how many cell phone bills do you	03:20

1	review?	03:20
2	A Well, we have the cell phone bills are	03:20
3	co-mingled with radio lines -- or were co-mingled with	03:20
4	radio lines to the City, the City business lines. There	03:20
5	is quite a few lines on there. So it's hard to say.	03:20
6	Q Are there more than a dozen?	03:20
7	A There is probably 30 or 40.	03:21
8	Q Thirty or 40 phones.	03:21
9	MR. GLOS: Counsel, we've been going for about	03:21
10	two hours. When you get to a point of transition --	03:21
11	MR. FRANKLIN: That's fine.	03:21
12	(Recess taken.)	03:21
13	BY MR. FRANKLIN:	03:33
14	Q Captain Best, you're still under oath. Do you	03:34
15	understand that?	03:34
16	A Yes.	03:34
17	Q Can you -- in terms of the reserve officers,	03:34
18	was there a reserve Officer Robert Van Lingden?	03:34
19	A Yes.	03:34
20	Q When did he stop working during working for	03:34
21	the City?	03:34
22	A I believe, about a year ago.	03:34
23	Q So you think sometime in July 2016?	03:34
24	A Yes, I'd be able to recall the exact dates.	03:34
25	Q And in terms of Mr. Van Lingden, is it	03:34

1	accurate that he owns the towing company that has the	03:35
2	towing contract within Palos Verdes Estates?	03:35
3	A Yes.	03:35
4	Q And while he was a reserve officer did he	03:35
5	mostly -- is he a motorcycle cop?	03:35
6	A Yes.	03:35
7	Q And then if he pulled someone over and if	03:35
8	someone is pulled over without a driver's license or an	03:35
9	expired license may the car be towed?	03:35
10	A Yes.	03:35
11	Q And so if Mr. Van Lingden pulled somebody	03:35
12	over, it would be his company that would tow the car?	03:35
13	A If -- if any officer in the City -- if any	03:35
14	vehicle in the City were to be towed, it would be towed	03:36
15	by Van Lingden.	03:36
16	Q And but Robert Lingden, a reserve officer,	03:36
17	owned that company; right?	03:36
18	A Yes.	03:36
19	Q And so if Mr. Van Lingden pulls somebody over,	03:36
20	his company profits from that tow; is that how that	03:36
21	would work?	03:36
22	MR. GLOS: Objection. Incomplete	03:36
23	hypothetical. Lacks foundation. You can answer.	03:36
24	A Sure.	03:36
25	///	

1	BY MR. FRANKLIN:	03:36
2	Q And in terms if there were impound -- if a car	03:36
3	is towed, is the driver who is pulled over responsible	03:36
4	for paying the towing fee?	03:36
5	A The driver who is pulled over responsible for	03:36
6	the towing fees? The owner of the car would be	03:36
7	responsible.	03:37
8	Q And would he be responsible for any impound	03:37
9	fees?	03:37
10	A Yes.	03:37
11	Q Are there different types of impounds in terms	03:37
12	of the car -- is there storage versus impound?	03:37
13	A Yes.	03:37
14	Q What's the difference?	03:37
15	A So California Vehicle Code gives certain	03:37
16	authority to tow a vehicle and store it for -- if it's	03:37
17	blocking a highway, if it's the driver was found to be	03:37
18	unlicensed or had a suspended license. If a vehicle is	03:37
19	involved in a traffic collision and blocking a roadway	03:37
20	or inoperable, we could store that vehicle. We would	03:37
21	impound the vehicle for evidentiary value where the	03:37
22	police department would -- we would store the vehicle in	03:38
23	evidence to process it later or if it was used in	03:38
24	commission of a crime, we would put a hold on that	03:38
25	vehicle until the detective bureau released it.	03:38

1 In those cases where we're the ones causing 03:38  
2 the delay in having that property returned back to the 03:38  
3 owner, they would not be charged for the storage fees. 03:38  
4 There is also -- 03:38  
5 Q What are the instances the owner of the car 03:38  
6 would be charged for the storage fees? 03:38  
7 A For violations of Vehicle Code as it relates 03:38  
8 to the status of their driver's license or lack thereof, 03:38  
9 30-day impounds. 03:38  
10 Q What is a 30-day impound? 03:38  
11 A Third-day impound is a -- the vehicle allows 03:38  
12 police departments to impound someone's vehicle if 03:38  
13 they're found to never have had a driver's license or 03:38  
14 their driver's license is suspended for a variety of 03:39  
15 reasons, one of which cannot be for failing to pay child 03:39  
16 support. And we would impound that vehicle for 30 days. 03:39  
17 Q Would that person if, say, they failed to pay 03:39  
18 child support, that person's vehicle would be impounded 03:39  
19 for 30 days, and they would be responsible for paying 03:39  
20 the impound fee? 03:39  
21 A That's the exemption. So could -- you would 03:39  
22 not impound a vehicle for 30 days if the reason was 03:39  
23 failure to pay child support. The rationale is if they 03:39  
24 can't support children, we're not going to take their 03:39  
25 car. That's one of the exceptions. 03:39

1	Q	Are there any other exceptions in terms of	03:39
2		where they would not have to pay?	03:39
3	A	If the registered owner produced a valid	03:39
4		driver's license, the vehicle would be released prior to	03:39
5		30 days.	03:40
6	Q	Prior to 30 days?	03:40
7	A	Prior to 30 days, but they would still be	03:40
8		responsible for towing and storage fees up until the	03:40
9		point.	03:40
10	Q	Do you know what those fees are? What's the	03:40
11		tow fee versus the storage fee or approximate?	03:40
12	A	It's set in our contract. I believe the	03:40
13		police department -- most police departments charge an	03:40
14		administrative fee for the processing of the paperwork.	03:40
15		And I believe ours is \$100 per vehicle.	03:40
16	Q	So is it the \$100 per vehicle -- does that	03:40
17		have to do with police department or --	03:40
18	A	It comes back to the City.	03:40
19	Q	And what goes to Van Lingden?	03:40
20	A	I don't know. I'd have to review their	03:40
21		contract to see how much -- what their daily rate is and	03:40
22		what they charge to hook the vehicle up, so to speak.	03:40
23	Q	Do you have an estimate of what it might be?	03:40
24	A	I don't.	03:41
25	Q	Do you know an estimate of what a total	03:41

1 out-of-pocket for a tow might be if a car is towed? 03:41

2 A As I sit here today I do not, but I could 03:41

3 easily recall the information. 03:41

4 Q And how long did Robert Van Lingden work for 03:41

5 the City as a serve officer? 03:41

6 A I would say, he has been a reserve officer 03:41

7 with the City for over ten years. 03:41

8 Q And then how long has the family had that 03:41

9 contract; do you know? 03:41

10 A I think as long as I've been there, we do -- I 03:41

11 believe in 2011, it went out for RFP. And our 03:41

12 requirements are based on -- we require certain response 03:41

13 time. So other cities may allow tow trucks to have a 03:41

14 45-minute response time. Ours is a lot less. We also 03:42

15 require a certain type of vehicle because of the terrain 03:42

16 we have. 03:42

17 Van Lingden provides crane service for all -- 03:42

18 for vehicles that go over the cliff. They recover 03:42

19 vehicles that have gone over the side, down embankments 03:42

20 and they have the equipment to do that, that's written 03:42

21 into the RFP. 03:42

22 Q In terms of -- touch-back on the localism 03:42

23 issue. Have you heard of cars being pushed off the 03:42

24 cliff? 03:42

25 A Have I heard of cars being pushed off the 03:42

1 the effect of this: We're not a taxi service, and leave 03:52  
2 them right here? 03:52

3 A I have not heard that, but we had cases where 03:52  
4 we've arrested someone or -- and provided ample options 03:52  
5 for transportations for someone and they demanded that 03:52  
6 we provide them a ride somewhere, and we just -- a lot 03:52  
7 of times it's outside the City. We don't transport 03:52  
8 people outside the City in the normal circumstances. 03:52  
9 Our policy is to keep the officers in the City. 03:52

10 Q And then if the policy is not to transport 03:52  
11 them outside of the City, do you take them to the City 03:52  
12 boarders? Do you leave them right where they are? What 03:52  
13 happens? 03:52

14 A We have several options. We can either call 03:52  
15 the officer help patrol phones; they can call the 03:52  
16 person -- usually the individual has a cell phone. 03:52  
17 We've given people rides to the station. We have called 03:53  
18 taxis or Ubers Now. But it's not our intent to have 03:53  
19 people -- vehicles wondering around the City. 03:53

20 Q And in terms of this PMK notice if you can 03:53  
21 look back to Exhibit 310, one of the topics if you look 03:53  
22 at Page 3, line 24 to 27: Knowledge on who the City 03:53  
23 police officers are who socialize with, or otherwise 03:53  
24 know any individual defendants or persons whom regularly 03:53  
25 surf Lunada Bay outside of their work as a police 03:53



1	officer for the City.	03:53
2	Did you inquire about that prior to attending	03:53
3	today with officers?	03:53
4	A Did I inquire?	03:53
5	Q Inquire -- did you take -- try to figure that	03:54
6	out?	03:54
7	A No.	03:54
8	Q Other than me telling you about Sergeant	03:54
9	Barber today, do you have knowledge of anybody else	03:54
10	socializing?	03:54
11	A Socializing, I don't know of any specific	03:54
12	instances, but I can -- you talked about someone growing	03:54
13	up in the area or neighborhood. Sergeant Steve Everhard	03:54
14	grew up in Palos Verdes Estates, went Palos Verdes High	03:54
15	School. He's about the age of some of these	03:54
16	individuals. His mother lives --	03:54
17	Q Mr. Sergeant Everhard?	03:54
18	A Yes.	03:54
19	Q Sergeant Everhard's mother still live in Palos	03:54
20	Verdes Estates?	03:54
21	A Yes.	03:54
22	Q And do you have an understanding that he went	03:54
23	to school with perhaps some of the Ferraras and Blakeman	03:54
24	in kind of that time zone, late '70s?	03:54
25	A Just based by the age. I don't know where	03:54

1	Ferrara or Blakeman went to school but --	03:55
2	Q In terms of anybody else who has sort of grew	03:55
3	up in the City or went to the Palos Verdes peninsula	03:55
4	High School?	03:55
5	A We have a new officer, he's on training,	03:55
6	Officer Higgs, but he's 22 years old.	03:55
7	Q Anybody else that you're aware of?	03:55
8	A No.	03:55
9	Q And then in terms of the City's deposition as	03:55
10	to the person most knowledgeable who the surfers that	03:55
11	regularly surf Lunada Bay, you're that person; right?	03:55
12	A Yes.	03:55
13	Q And then are you familiar with the people	03:55
14	identified on Page 3, lines 19 through 23?	03:55
15	A The majority of them. Yes.	03:56
16	Q And we talked about the Ferraras. Do you know	03:56
17	the Ferraras?	03:56
18	A I do not know the Ferraras personally. I know	03:56
19	them from reports that I've read in regards to incidents	03:56
20	that they were involved with.	03:56
21	Q Any of those surfing-related incidents that	03:56
22	you're familiar with?	03:56
23	A The two that come to mind are not.	03:56
24	Q Okay. Is that the one involving the juvenile?	03:56
25	A Yes.	03:56

1	you've been with the City, 25 full-time officers, X 911	04:15
2	reserve, or something?	04:16
3	A Yes.	04:16
4	Q And then in terms of the community service	04:16
5	officers, about the same type of staffing level?	04:16
6	A Yes.	04:16
7	Q And would those kind of support personnel, if	04:16
8	you count the reserve officers, does the police	04:16
9	department -- is it around 45, or what's the general	04:16
10	number in terms of support policing activities?	04:16
11	A I would say the same number. 45.	04:16
12	Q And in terms of there were some testimony by	04:16
13	Catherine Placik earlier, I'm going to represent that	04:16
14	she's indicated she works three days a week,	04:16
15	12-hour-long shifts; does that sound about right?	04:16
16	A Yes.	04:16
17	Q And in terms of 2016, she said one of her jobs	04:16
18	is in charge of people that are held in the City's jail	04:16
19	facility; is that right?	04:16
20	A Yes.	04:17
21	Q And care for those people, whether it's to	04:17
22	check on them to make sure their well-being is okay and	04:17
23	to feed them that type of thing?	04:17
24	A Yes.	04:17
25	Q And I had asked her to give her best estimate	04:17

1 of during the times she worked in 2016, how many people 04:17  
2 have been held in the City's jail, and she estimated 04:17  
3 about 200. Does that sound about right? 04:17  
4 A For the year, I believe we average about 350 04:17  
5 to 400 bookings per year. 04:17  
6 Q And how many are overnight of those 300 to 400 04:17  
7 bookings? 04:17  
8 A I don't know. 04:17  
9 Q Service Officer Placiks indicated that there 04:18  
10 is a log that's kept in terms of basically identifying 04:18  
11 the people that are kept and to log who is in there. Is 04:18  
12 that your understanding too? 04:18  
13 A There is a booking ledger. 04:18  
14 Q Okay. A ledger? 04:18  
15 A Yes. 04:18  
16 Q And that ledger would be able to if we were to 04:18  
17 gather that, you'd be able to determine for any 04:18  
18 particular year how many people have been booked; is 04:18  
19 that fair? 04:18  
20 A Yes. 04:18  
21 Q And would you be able to know how long they 04:18  
22 were kept? 04:18  
23 A There is a time-in and time-out portion of the 04:18  
24 ledger. Yes. 04:18  
25 Q And do you know is there an average stay in 04:18

1 terms of hours of the bookings? 04:18

2 A No, we never calculated the average stay in 04:18

3 the jail. 04:18

4 Q And in terms of the 300 to 400, it's a pretty 04:18

5 big change in terms of a year? 04:19

6 A I just ran the Stats for '14, '16 and '17. 04:19

7 Our average daily population is 33, 34. 04:19

8 Q Average daily population? 04:19

9 A Oh, I mean. Monthly. 04:19

10 Q Monthly. 04:19

11 A Come on. You know what I meant. 04:19

12 Q So in terms of the average monthly population 04:19

13 being around 30, 34; is that fair? 04:19

14 A Bookings. Yeah. 04:19

15 Q And in terms of do you have an understanding 04:19

16 of how many of those bookings are residents of Palos 04:19

17 Verdes Estates versus nonresidents? 04:19

18 A No. 04:19

19 Q And as the person most knowledgeable about 04:19

20 City policing, could you give your best estimate in 04:20

21 terms of looking at, say, '16 this period you just 04:20

22 looked at, how many people were residents that were 04:20

23 booked versus nonresidents? 04:20

24 A To give a best estimate, no. But data could 04:20

25 be recalled. 04:20

1	Q	Do you think it was mostly residents that are	04:20
2		booked?	04:20
3	A	The data is very easily obtainable, and I	04:20
4		think just me guessing right now wouldn't serve a	04:20
5		purpose.	04:20
6	Q	Okay. So as the person most knowledgeable	04:20
7		today you're unable to give your best testimony of how	04:20
8		many persons or residents versus nonresidents; is that	04:20
9		fair?	04:20
10	A	Correct.	04:20
11	Q	And as the person most knowledgeable today, in	04:20
12		terms of that data is there identifying information in	04:20
13		terms of whether the bookings are people of color versus	04:21
14		Caucasian or white?	04:21
15	A	Race is one of the standard sets of data that	04:21
16		are gathered during the booking, so that would be	04:21
17		included in there.	04:21
18	Q	And so with that same booking ledger would you	04:21
19		be able to tell what race somebody was?	04:21
20	A	Yes.	04:21
21	Q	So that the ledger itself -- if you had the	04:21
22		ledger, you could learn that information?	04:21
23	A	Yes.	04:21
24	Q	And then is anywhere else -- is there other	04:21
25		reports that could be run in terms of trying to figure	04:21

1 out of the 300 to 400 people how many Caucasian versus 04:21  
2 some other background? 04:21

3 A I think the booking ledger would be the most 04:21  
4 accurate because anyone who is booked in our facility is 04:21  
5 entered in that ledger. Because that's what generates 04:22  
6 our booking numbers. Booking numbers are all 04:22  
7 sequential. 04:22

8 Q And in terms of the bookings in terms of 04:22  
9 having looked at this data recently, it's -- you 04:22  
10 can't -- you wouldn't know how many people of color were 04:22  
11 booked, and you couldn't give your best estimate on 04:22  
12 that? 04:22

13 A No. The purpose of me pulling the Stats was 04:22  
14 to look at overall bookings for the year, what our jail 04:22  
15 activity levels were. That was the purpose of me 04:22  
16 pulling that data, not looking at what ages or races or 04:22  
17 what sexes or what City residents. 04:22

18 Q And in terms just to go back to race, is the 04:22  
19 jail facility -- do you have occasion to walk through 04:23  
20 that area where people are held during your daily work? 04:23  
21 Is it -- on your average day would there be no reason 04:23  
22 for you to walk into the jail facility wherein you might 04:23  
23 be able to observe people who are arrestees? 04:23

24 A To observe them? 04:23

25 Q And not by length. I'm trying to get at do 04:23

1	you have an understanding not from the data but from	04:23
2	your working at Palos Verdes Estates.	04:23
3	A Observation? No, no, I don't think that would	04:23
4	be -- no.	04:23
5	Q So you couldn't give an estimate of more	04:23
6	people of color have been booked versus Caucasians or	04:23
7	more Caucasians?	04:24
8	A No.	04:24
9	Q In terms of in terms of City training on	04:24
10	gang-related laws, what can you tell me? Does the City	04:24
11	do training on gang-related laws?	04:24
12	A Specific training on gang-related laws and	04:24
13	gang activity is typically covered during the	04:24
14	F.T.O. Program and again through those briefing	04:24
15	trainings that occur twice a day. They may not	04:24
16	necessarily encompass gang curriculum or topics.	04:24
17	Officers have gone to outside training on gangs.	04:24
18	Detectives have gone to gang classes in respect to	04:25
19	entering people into Cal gangs, entering the gangs in	04:25
20	the Cal gangs, enhancements for gang -- or obtaining	04:25
21	gang enhancements in time of case filing of the DA.	04:25
22	Q Is there a gang unit?	04:25
23	A No. Our jailers, our service officers -- our	04:25
24	service officers serve as both jailers and dispatch 911	04:25
25	operators.	04:25



1 Q Is that -- do you check and -- I'm trying to 04:27  
2 figure out how do you know they're a gang? 04:27

3 A So say for instance, you respond to a call of 04:27  
4 solicitors. Solicitors in the City who are soliciting 04:27  
5 goods, services, are required to have a solicitors 04:27  
6 permit authorized by the City. If officers go on those 04:27  
7 calls and determine that someone has violated an 04:28  
8 ordinance, obviously, they're detained. And through 04:28  
9 their talking with the person or running them through 04:28  
10 the wanted person system they could determine that if 04:28  
11 they're gang affiliated by tattoos. 04:28

12 We've done it through detectives doing 04:28  
13 follow-up on arrests that we've had. In preparation for 04:28  
14 a search warrants we have to check gang affiliation. We 04:28  
15 reach out to other agencies to determine any gang 04:28  
16 affiliations. So these are a variety of ways. 04:28

17 Q In terms of the -- your 22 and a half years is 04:28  
18 that -- 04:29

19 A Twenty-one. 04:29

20 Q Twenty-one and a half years. Wasn't a trick. 04:29  
21 Your 21 and a half years with the City, is it common for 04:29  
22 you to see African Americans using the beach? 04:29

23 A There are all kinds of people that come to 04:29  
24 Palos Verdes Estates and use the beach or live in Palos 04:29  
25 Verdes Estates that use the beach. Our beaches are 04:29

1 different than Torrance beach or Manhattan Beach or 04:29  
2 Huntington Beach in that they're not really accessible; 04:29  
3 they're not sandy beaches where you can put up a easy-up 04:29  
4 or bring your wife and your kids with their floaties. 04:29  
5 The most accessible beach would probably be Rat Beach in 04:29  
6 the 300 block of Paseo Del Mar in a paved pathway down 04:29  
7 to the beach. That's where the most of the beach 04:30  
8 activities occur and there is families of all colors. 04:30

9 Q Can you tell me how many times you've seen 04:30  
10 African Americans use Lunada Bay? 04:30

11 MR. GLOS: And you're just asking him 04:30  
12 personally; right? 04:30

13 MR. FRANKLIN: Unless the City has more 04:30  
14 information on that. 04:30

15 MR. GLOS: Just to be clear. 04:30

16 A It's hard to say. In 21 and a half years I 04:30  
17 really haven't taken count or -- 04:30

18 BY MR. FRANKLIN: 04:30

19 Q So because it's zero? 04:30

20 A I don't believe the number would be zero. 04:30  
21 I've encountered -- when you say "use the beach" I've 04:30  
22 encountered on my runs and walks down there some schools 04:30  
23 down there study in the tied pools observing sea life on 04:30  
24 field trips or educational trips. 04:31

25 Q How often have you seen that? 04:31

1	A	Couple times over the years.	04:31
2	Q	Couple times over 21 and a half years?	04:31
3	A	Yeah.	04:31
4	Q	And other than those field trips, does	04:31
5		anything else come to mind in terms of seeing African	04:31
6		Americans using Lunada Bay?	04:31
7	A	I don't think it's isolated just to the field	04:31
8		trips, but I mean there had been, but it wasn't like,	04:31
9		oh, there is an African American in Lunada Bay. It's	04:31
10		not like something that is note-worthy.	04:31
11	Q	And in terms of other persons of color, is it	04:31
12		fair to say that there are more --	04:31
13		MR. WARD: Whoever is typing on the phone,	04:31
14		could you please hit mute. I feel like a judge on court	04:31
15		call. Thank you.	04:32
16		BY MR. FRANKLIN:	04:32
17	Q	So in terms of the persons of colors, is it	04:32
18		fair to say in your observation that more Caucasians are	04:32
19		using Lunada Bay than other people?	04:32
20		MR. GLOS: Objection. Lacks foundation.	04:32
21		Calls for speculation. You can answer.	04:32
22	A	I would say, in my experience and observations	04:32
23		of being in that area, that would probably be a true	04:32
24		statement.	04:32
25		///	

1	BY MR. FRANKLIN:	04:32
2	Q And in terms of how about women versus men, do	04:32
3	more men use Lunada Bay than women?	04:32
4	MR. GLOS: Same objections.	04:32
5	A I with say yes.	04:32
6	BY MR. FRANKLIN:	04:32
7	Q And then in terms have you ever seen a person	04:32
8	in a wheelchair use Lunada Bay?	04:32
9	A Talking about the bottom?	04:32
10	Q Yes.	04:32
11	A No.	04:32
12	Q Do you think that might be possible?	04:32
13	MR. GLOS: Objection. Calls for speculation.	04:32
14	Lacks foundation.	04:32
15	A It's -- it would be difficult, but is it	04:33
16	possible? Possible is a --	04:33
17	BY MR. FRANKLIN:	04:33
18	Q It's fair to say it would be very hard for a	04:33
19	person in a wheelchair to navigate down either the	04:33
20	middle or the so south trail?	04:33
21	A Correct.	04:33
22	Q It would be quite dangerous if they attempted	04:33
23	do so?	04:33
24	A Yes.	04:33
25	Q Or in terms of your familiarity with the City	04:33

1	department.	04:52
2	Q And is there any sign in your observation that	04:52
3	would identify that it's a public beach?	04:52
4	A Yeah, I don't know that I recall any beach	04:52
5	having, you know, any beach even -- Redondo Beach or	04:52
6	Torrance -- having a sign saying public beach. In Palos	04:53
7	Verdes Estates, no.	04:53
8	Q And then in terms of any City beaches, are	04:53
9	there any trail maps that you're aware of in terms of	04:53
10	someone says, hey, I'd like to go down to Lunada Bay,	04:53
11	how would I do that in the most safe manner? Are there	04:53
12	any maps for people do that?	04:53
13	A I don't believe the City produces maps of the	04:53
14	trail systems in Palos Verdes Estates. I know there are	04:53
15	individuals who have kind of their own map and have	04:53
16	circulated those.	04:53
17	Q So I'm only asking, the City?	04:53
18	A Right.	04:53
19	Q The City does not have any maps?	04:53
20	A I don't believe we have that.	04:53
21	Q And how about in terms of -- would it be fair	04:53
22	to say that if you went down the wrong part of the	04:53
23	cliff, it would be dangerous, if you thought you were	04:54
24	going down the middles and you're a little bit off, are	04:54
25	there some false trails?	04:54

1	MR. GLOS: Objection. Lacks foundation.	04:54
2	Vague and ambiguous. Calls for speculation. You can	04:54
3	answer.	04:54
4	A Repeat the question.	04:54
5	BY MR. FRANKLIN:	04:54
6	Q Is it -- is that middle trail well-marked?	04:54
7	MR. GLOS: Objection. Vague and ambiguous.	04:54
8	Lacks foundation. You can answer.	04:54
9	A There are no trailhead signs.	04:54
10	BY MR. FRANKLIN:	04:54
11	Q Is there any marker?	04:54
12	A No.	04:54
13	Q And in terms of public safety, would it be	04:54
14	safer if it was marked?	04:54
15	MR. GLOS: Objection. Lacks foundation.	04:54
16	Beyond the scope. Calls for speculation. You can	04:54
17	answer.	04:54
18	A I guess you can say it would be safer if it	04:55
19	had lights and handrails.	04:55
20	BY MR. FRANKLIN:	04:55
21	Q So I'm just asking whether -- so do you know	04:55
22	where to go down on that middle trail? Small post	04:55
23	middle trail sign. And hypothetically it could be a	04:55
24	GPS point that could be made available. Would it be	04:55
25	safer for people to know where that trail was?	04:55

1	ocean or that -- doesn't have -- has a trail to it down	04:58
2	at the bottom of the cliff.	04:58
3	BY MR. FRANKLIN:	04:58
4	Q Is that by design?	04:58
5	A I don't think so. No.	04:58
6	Q So are you aware of any trail markers on any	04:58
7	bluff top in Lunada Bay?	04:58
8	A No.	04:58
9	Q Do you know who is Sergeant Axle Peterson; do	04:58
10	you know that person?	04:59
11	A Yes.	04:59
12	Q When did he last work for the City?	04:59
13	A 2009, 2010, maybe.	04:59
14	Q Was he --	04:59
15	MR. GLOS: Objection. Vague and ambiguous.	04:59
16	BY MR. FRANKLIN:	04:59
17	Q With other officers?	04:59
18	MR. GLOS: Same objection. You can answer.	04:59
19	A Was he --	04:59
20	BY MR. FRANKLIN:	04:59
21	Q Did he leave for a reason in terms of was he	04:59
22	disciplined or something like that?	04:59
23	MR. GLOS: Object. Calls for speculation.	04:59
24	You can answer.	04:59
25	A I don't know if it was disciplinary reasons,	04:59

1	Q	And in terms of Kevin Scroggins had some	05:02
2		race-related allegations where he was referred to -- he	05:03
3		was an African American; is that true?	05:03
4	A	Yes.	05:03
5	Q	And where he complained about being called a	05:03
6		boy by the chief; did you ever hear that?	05:03
7	A	I think the term is "Buddy Boy."	05:03
8	Q	Okay. And had you heard the chief use that	05:03
9		term towards captain -- was it captain; right?	05:03
10	A	Yes, he was.	05:03
11	Q	Did you hear that term used with him?	05:03
12	A	Specifically with him, I'm not sure, but Chief	05:03
13		Dreiling used that with everybody.	05:03
14	Q	And in terms of there being a retirement	05:03
15		party, Captain Scroggins said there was a retirement	05:03
16		party where there was a slide show of officers made to	05:03
17		appear like black. Are you familiar with that?	05:03
18	A	What was the retirement party you're talking	05:04
19		about?	05:04
20	Q	A retirement party where Captain Scroggins was	05:04
21		employed.	05:04
22	A	I've heard of those allegations. Yes.	05:04
23	Q	Did you see that slide or were you at that	05:04
24		retirement party?	05:04
25	A	I don't know what retirement party you're	05:04



1	talking about.  No.	05:04
2	Q        And in terms of reference to a noose?	05:04
3	A        Yes, I think it was the -- that's what you're	05:04
4	referencing.  And there were two officers who were white	05:04
5	officers not in black painted face with a noose around	05:04
6	the other white officer's neck.	05:04
7	Q        And have you seen that photo?	05:04
8	A        No, I've heard about it.	05:04
9	Q        And who did you hear about it from?	05:04
10	A        I don't recall, but I think the allegation	05:05
11	came out to be untrue and the fact that it was a	05:05
12	negative taken of the actual photo.  Everything was --	05:05
13	so white was black and black was white.  And that's what	05:05
14	evidence was presented as the black officers.	05:05
15	Q        And it was a noose?	05:05
16	A        Yes.	05:05
17	Q        And then is there an Officer Sinuit?	05:05
18	A        Sinuit.	05:05
19	Q        Did he make -- is he a reserve officer?	05:05
20	A        He was a reserve officer.	05:05
21	Q        And did -- was he let go for disciplinary	05:05
22	reason?	05:05
23	A        I don't believe they were disciplinary.  I	05:05
24	believe they were performance and officer safety issues.	05:05
25	Q        How about Captain Scroggins, do you have an	05:06

1	understanding of how he left employment of the district?	05:06
2	A From my understanding, it was a probationary	05:06
3	release. He did not make probation.	05:06
4	Q And then in terms of your 21 and a half years	05:06
5	with the City, is it just one other black police officer	05:06
6	employed or more?	05:06
7	A There were more.	05:06
8	Q How many?	05:06
9	A Charles Avinton.	05:06
10	Q Where did he work for the City?	05:06
11	A 2000. I think he was there 2000 or 2005. The	05:06
12	dates I'm not a hundred percent certain on the dates.	05:06
13	Q And how long was he there? Was he there a	05:07
14	long time?	05:07
15	A No. I believe, about five years.	05:07
16	Q Was he a reserve or full-time?	05:07
17	A Full-time officer. He came from the city of	05:07
18	Torrance Police Department.	05:07
19	Q Did he retire or did he go work somewhere else	05:07
20	when he left?	05:07
21	A I have no idea.	05:07
22	Q Did he leave for disciplinary reasons?	05:07
23	A I believe so.	05:07
24	Q And any other African American officers	05:07
25	besides Mr. Arlington [sic] and Captain Scroggins?	05:07

1	A	Police officers, no.	05:07
2	Q	And so the 21 and a half there's been two	05:07
3		African American police officers at Palos Verdes	05:07
4		Estates; is that right?	05:07
5	A	Yes.	05:07
6	Q	And both were let go for disciplinary reasons?	05:07
7	A	One yes, the other one probationary release, I	05:08
8		believe.	05:08
9	Q	Have you ever heard residents say that they	05:08
10		did not want an African American officer at their town?	05:08
11	A	No.	05:08
12	Q	Have you ever heard African American officers	05:08
13		being purposefully hazed or treated in a manner so	05:08
14		they'd leave?	05:08
15	A	No. And the City has a policy and we were	05:08
16		talking about some of the training that we receive, and	05:08
17		I was talking about the post training we also receive	05:08
18		every two years through HR.	05:08
19	Q	1825 training?	05:08
20	A	Yes.	05:08
21	Q	AB?	05:08
22	A	Whatever the number is. It's a job base	05:08
23		harassment which covers the protected class.	05:09
24	Q	So you've undergone that as a supervisor every	05:09
25		two years?	05:09

1	A	Yes.	05:09
2	Q	Do you know if the City Council do it too?	05:09
3	A	I don't think I'd be the person most qualified	05:09
4		to comment on the City Council training.	05:09
5	Q	Have any of the police officers gone on	05:09
6		training under Government Code 11135 as it relates to	05:09
7		access to beaches for people of low income, color and	05:09
8		women?	05:09
9	A	No.	05:09
10	Q	Do you have any familiarity with public	05:09
11		resources Code Section 5162, which says words to the	05:09
12		effect: Any beach or seashore or recreation owned,	05:10
13		lease, operated, controlled, maintained or managed by a	05:10
14		City or a county which is open to the use of the	05:10
15		residents of such City or county shall be open to all	05:10
16		members of public upon the same terms, fees, charges and	05:10
17		conditions as are applicable to the residents of such	05:10
18		City or county?	05:10
19	A	Formal training in that specific section, no,	05:10
20		but I don't know -- I don't know of any areas that are	05:10
21		private beaches. I think working and growing up and	05:10
22		living in California, its beaches are public. So I	05:10
23		don't necessarily know a specific training of officer on	05:10
24		that code section.	05:10
25	Q	Have officers had any training on the Palos	05:10

1	Verdes Estates homes associations covenants and	05:11
2	restrictions related to the sale of property or use of	05:11
3	profit to people of color?	05:11
4	A No.	05:11
5	Q Had you heard of that before today?	05:11
6	A I heard it -- just some other cities have had	05:11
7	those ordinances or restrictions on the books and they	05:11
8	were never taken off, never enforced. I guess, an	05:11
9	oversight in some cities. And I imagine the home	05:11
10	association which is separate from the City may have had	05:11
11	those. I've never seen them.	05:11
12	Q Home association, you say separate from the	05:11
13	city, but they're located in their city hall?	05:11
14	A Yes.	05:11
15	Q Adjacent to city hall?	05:11
16	A Yes.	05:11
17	Q And in terms of -- you've had some affiliation	05:11
18	in terms of the city in terms of being approved, certain	05:11
19	things within the City whether they're trees or that	05:12
20	type of thing?	05:12
21	MR. GLOS: Objection. Lacks foundation.	05:12
22	Beyond the scope. Calls for speculation. You can	05:12
23	answer.	05:12
24	A I think if we're going to start discussing the	05:12
25	function of the home association, art jury, deed	05:12

1	A	No.	05:19
2	Q	Did you have familiarity with this issue going	05:19
3		back to 1991?	05:19
4	A	No.	05:20
5	Q	Did you do research at all before today in	05:20
6		terms of what other types of localism issues have come	05:20
7		up at Luanda Bay or reports that you talked about	05:20
8		reading?	05:20
9		If you can summarize again for me your efforts	05:20
10		to prepare for today?	05:20
11	A	I didn't do -- purposely I didn't do research	05:20
12		into incidents that I was not aware of. I wanted to	05:20
13		give kind of the purest sense of what my knowledge is.	05:20
14		I guess I could have went down and looked at every	05:20
15		single thing and put all the jail booking Stats, but I	05:20
16		wanted to give the purest sense of what my knowledge is.	05:20
17	Q	So in terms of PMK though, you're designated	05:20
18		as the PMK, and that maybe you're supposed to be	05:20
19		familiar of that type of topic?	05:20
20	A	Yes.	05:20
21	Q	And you chose not to do research?	05:20
22	A	Well, I did research, but the detailed	05:21
23		research that you're asking for in regards to	05:21
24		researching back to 1991 and what Captain Mike Tracey	05:21
25		said in an L.A. Times article is kind of a broad --	05:21

05:39

I, the undersigned, a Certified Shorthand Reporter of the State of California, do hereby certify:

That the foregoing proceedings were taken before me at the time and place herein set forth; that any witnesses in the foregoing proceedings, prior to testifying, were placed under oath; that a verbatim record of the proceedings was made by me using machine shorthand which was thereafter transcribed under my direction; further, that the foregoing is an accurate transcription thereof.

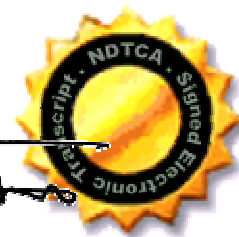
I further certify that I am neither financially interested in the action nor a relative or employee or attorney of any of the parties.

IN WITNESS WHEREOF, I have this date subscribed my name.

Dated: 07/13/2017.

(Reading and Signing was not requested.)

  
GEHANE CASSIS  
CSR No. 13020



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